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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 29 November 2010

on the signing, on behalf of the European Union, and on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

(2010/783/EU)

THE COUNCIL OF THE EUROPEAN UNION,

- (4) Following negotiations, the new Protocol was initialled on 21 May 2010 and was amended by an Exchange of Letters on 16 September 2010.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(5) thereof,

- (5) The new Protocol should be signed and applied provisionally, pending the completion of the procedures for its conclusion,

Having regard to the proposal from the European Commission,

HAS ADOPTED THIS DECISION:

Whereas:

Article 1

- (1) On 5 October 2006, the Council adopted Regulation (EC) No 1563/2006 concerning the conclusion of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros ⁽¹⁾.

The signing of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros is hereby approved on behalf of the European Union, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

- (2) The Protocol annexed to the said Agreement is to expire on 31 December 2010.

Article 2

- (3) The European Union negotiated with the Union of the Comoros (hereinafter 'the Comoros') a new Protocol, providing EU vessels with fishing opportunities in the waters over which the Comoros has sovereignty or jurisdiction in respect of fisheries. In order for EU vessels to pursue fishing activities, Article 13 of the new Protocol provides that that Protocol will apply provisionally.

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the European Union, subject to its conclusion.

Article 3

The Protocol shall be applied on a provisional basis in accordance with Article 13 thereof, pending the completion of the procedures for its conclusion.

⁽¹⁾ OJ L 290, 20.10.2006, p. 6.

Article 4

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 29 November 2010.

For the Council
The President
K. PEETERS

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

Article 1

Period of application and fishing opportunities

1. For a period of 3 years, the fishing opportunities granted to European Union vessels under Article 5 of the Fisheries Partnership Agreement shall be as follows:

- tuna seiners: 45 vessels,
- surface longliners: 25 vessels,

2. Paragraph 1 shall apply subject to the provisions of Articles 5, 6, 8 and 9 of this Protocol.

Article 2

Financial contribution – Methods of payment

1. For the period referred to in Article 1, the financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 1 845 750.

2. The financial contribution shall comprise:

- (a) an annual amount for access to the EEZ of the Comoros of EUR 315 250, equivalent to a reference tonnage of 4 850 tonnes per year, and
- (b) a specific amount of EUR 300 000 per year for the support in the implementation of the sectoral fisheries policy of the Comoros.

3. Paragraph 1 shall apply subject to the provisions of Articles 3, 4, 5 and 6 of this Protocol and Articles 12 and 13 of the Agreement.

4. The European Union shall pay the financial contribution referred to in paragraph 1 at the rate of EUR 615 250 per year during the period of application of this Protocol, corresponding to the total of the annual amounts referred to in paragraph 2(a) and (b).

5. If the overall quantity of catches by European Union vessels in Comorian waters exceeds 4 850 tonnes per year, the total amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in paragraph 2(a) (EUR 630 500). Where the quantities caught by European Union vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

6. Payment shall be made no later than 30 days after the entry into force of the Protocol for the first year and no later than the anniversary date of this Protocol for the following years.

7. The Comorian authorities shall have full discretion regarding the use to which the financial contribution referred to in paragraph 2(a) is put.

8. All of the financial contribution indicated in Article 2(2) of this Protocol shall be paid into a Public Treasury account opened with the Comoros Central Bank.

9. From this single account, the amount corresponding to the financial contribution referred to in Article 2(b) shall be transferred to the account TR 5006 opened with the Central Bank by the Ministry responsible for fisheries.

Article 3

Promotion of responsible and sustainable fishing in Comorian waters

1. No later than 3 months after the entry into force of this Protocol, the Parties shall agree, within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement, on a Multiannual Sectoral Programme and detailed implementing rules, in particular:

- annual and multiannual guidelines for using the financial contribution referred to in Article 2(2)(b),
- the objectives, both annual and multiannual, to be achieved with a view to introducing, over time, responsible and sustainable fishing, taking account of the priorities expressed by the Comoros in its national fisheries policy and other policies relating to or having an impact on the introduction of responsible and sustainable fishing;
- criteria and procedures for evaluating the results obtained each year,

2. Any proposed amendments to the Multiannual Sectoral Programme must be approved by the Parties within the Joint Committee.

3. Each year, the Comoros shall decide on the allocation, if necessary, of an additional amount to the part of the financial contribution referred to in Article 2(2)(b) with a view to implementing the Multiannual Programme. This allocation must be communicated to the European Union.

4. Where the annual evaluation of the progress made in implementing the Multiannual Sectoral Programme so warrants, the European Commission shall reserve the right, after consulting the two Parties within the Joint Committee, to reduce the part of the financial contribution referred to in Article 2(2)(b) of the Protocol with a view to adjusting the amount allocated to implementation of the Programme in line with the results.

Article 4

Scientific cooperation on responsible fishing

1. The two Parties hereby undertake to promote responsible fishing in Comorian waters based on the principle of non-discrimination between the different fleets operating in those waters.

2. During the period covered by this Protocol, the European Union and the Union of the Comoros shall endeavour to monitor the state of fishery resources in the Comorian fishing zone.

3. The two Parties shall respect the recommendations and resolutions of the Indian Ocean Tuna Commission (IOTC) and undertake to promote cooperation at subregional level on the responsible management of fisheries.

4. In accordance with Article 4 of the Agreement, based on the recommendations and resolutions adopted within the IOTC and the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 9 of the Agreement and, where necessary after a scientific meeting and by mutual agreement, take measures to ensure the sustainable management of fisheries resources concerning the activities of European Union vessels.

Article 5

Adjustment of fishing opportunities by mutual agreement

The fishing opportunities referred to in Article 1 may be adjusted by mutual agreement insofar as the recommendations and resolutions adopted by the IOTC confirm that this adjustment guarantees the sustainable management of the Comorian fisheries resources. In this case the financial contribution referred to in Article 2(2)(a) shall be adjusted proportionately and *pro rata temporis*. However, the total annual amount of the financial contribution paid by the European Union shall not be more than twice the amount referred to in Article 2(2)(a).

Article 6

New fishing opportunities

1. Should European Union vessels be interested in fishing activities which are not indicated in Article 1, the Parties shall consult each other before any authorisation is granted by the Comorian authorities. Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. The Parties shall encourage experimental fishing. To this end and on request of one of the two Parties, the latter shall consult and determine, on a case-by-case basis, the species, conditions and any other relevant parameters.

3. The Parties shall carry out experimental fishing in accordance with the Comorian legislation in force and according to the agreed administrative and scientific provisions, if applicable. The authorisations for experimental fishing shall be granted for periods of a maximum of 6 months.

4. Where the Parties consider that the experimental fishing trips have produced positive results, the Comorian authorities, in a meeting of the Joint Committee provided for in Article 9 of the Agreement, may allocate fishing opportunities for new species to the fleet of the European Union until the expiry of this Protocol. The financial contribution referred to in Article 2(2)(a) of this Protocol shall consequently be increased.

Article 7

Conditions governing fishing activities – Exclusivity clause

1. Without prejudice to Article 6 of the Agreement, the fishing vessels flying the flag of a Member State of the European Union may fish in Comorian waters only if they are in possession of a fishing authorisation issued under this Protocol in accordance with the Annex hereto.

2. For the categories of fishing which are not covered by this Protocol and for experimental fishing, the Comorian authorities may grant fishing authorisations to European Union vessels. However, the granting of these authorisations is governed by the legislation and regulations of the Union of the Comoros with the agreement of the two Parties.

Article 8

Suspension and review of the payment of the financial contribution

1. The financial contribution as referred to in Article 2(2)(a) and (b) may be revised or suspended after consultation within the Joint Committee if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in the Comorian EEZ;
- (b) following significant changes in the policy guidelines which led to the conclusion of this Protocol, one of the two Parties requests a review of the provisions with a view to a possible amendment thereof;
- (c) the European Union notes that there has been a violation in the Comoros of the essential and fundamental elements of human rights as provided for in Article 9 of the Cotonou Agreement.

2. The European Union reserves the right to suspend, partially or totally, the payment of the specific financial contribution provided for in Article 2(2)(b) of this Protocol:

- (a) If the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee;
- (b) In the event of non-payment of this financial contribution.

3. Payment of the financial contribution shall resume after consultation and agreement of the two Parties as soon as the situation prior to the events mentioned in paragraph 1 has been re-established, and/or if the results of the financial implementation referred to in paragraph 2 so warrant.

Article 9

Suspension of the implementation of the Protocol

1. The implementation of this Protocol may be suspended at the initiative of one of the two Parties after consultation within the Joint Committee if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in the Comorian EEZ;

- (b) in the event of significant changes in the policy guidelines which led to the conclusion of this Protocol, one of the two Parties requests a review of the provisions with a view to a possible amendment thereof;
- (c) the European Union notes that there has been a violation in the Comoros of the essential and fundamental elements of human rights as provided for in Article 9 of the Cotonou Agreement;
- (d) there is a non-payment of the financial contribution provided for in Article 2(2)(a) by the European Union, for reasons other than those provided for in Article 8 of this Protocol;
- (e) there is a dispute between the two Parties concerning the interpretation of this Protocol;
- (f) one of the two Parties does not comply with the provisions of this Protocol.

2. The implementation of the Protocol may be suspended at the initiative of one Party if the dispute between the Parties is deemed to be serious and if the consultations held within the Joint Committee have not resulted in an amicable settlement.

3. Suspension of the application of the Protocol shall require the interested Party to notify its intention in writing at least 3 months before the date on which suspension is due to take effect.

4. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which application of the Protocol was suspended.

Article 10

National law

1. The activities of European Union fishing vessels operating in Comorian waters shall be governed by the law applicable in

the Comoros, unless otherwise provided for in the Fisheries Partnership Agreement, this Protocol and the Annex and Appendices hereto.

2. The Comorian authorities shall inform the European Commission of any change or any new legislation relating to the fishing sector.

Article 11

Duration

This Protocol and the Annex hereto shall apply for a period of 3 years from the provisional application in accordance with Article 13, unless notice of termination is given in accordance with Article 12.

Article 12

Termination

1. In the event of termination of this Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least 6 months before the date on which such termination would take effect.

2. Dispatch of the notification as referred to in the previous paragraph shall open consultations between the Parties.

Article 13

Provisional application

This Protocol and the Annex hereto shall be provisionally applied from the date of signing.

Article 14

Entry into force

This Protocol and the Annex hereto shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

ANNEX

Conditions for the pursuit of fishing activities by European Union vessels in Comorian waters

CHAPTER 1

APPLICATION AND ISSUE FORMALITIES FOR FISHING AUTHORISATIONS

SECTION 1

Issue of fishing authorisations

1. Only eligible European Union vessels may obtain an authorisation to fish in Comorian waters.
2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in the Comoros. They must be in order vis-à-vis the Comorian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in the Comoros under fisheries agreements concluded with the European Union. Furthermore, they must comply with the provisions of Regulation (EC) No 1006/2008 on fishing authorisations.
3. Any European Union vessel applying for a fishing authorisation must be represented by an agent resident in the Comoros. The name and address of that agent shall be stated in the fishing authorisation application.
4. The competent European Union authorities shall present to the competent Comorian authorities an application for each vessel wishing to fish under the Agreement at least 20 days before the date of commencement of the period of validity requested.
5. Applications shall be submitted to the competent Comorian authorities on a form drawn up in accordance with the specimen in Appendix 1.
6. All fishing authorisation applications shall be accompanied by the following documents:
 - proof of payment of the fee for the period of validity of the authorisation,
 - any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol,
7. The fee shall be paid into the account specified by the Comorian authorities.
8. The fees shall include all national and local charges with the exception of port taxes and service charges.
9. Fishing authorisations for all vessels shall be issued to shipowners or their agents via the Delegation of the European Union in Mauritius within 15 days of receipt of all the documents referred to in point 6 above by the competent Comorian authorities.
10. If a fishing authorisation is signed at a time when the European Union Delegation offices are closed, it shall be sent directly to the vessel's agent and a copy shall be sent to the Delegation.
11. Fishing authorisations shall be issued for a given vessel and shall not be transferable.
12. However, at the request of the European Union and where force majeure is proven, a vessel's fishing authorisation shall be replaced by a new fishing authorisation for another vessel with similar characteristics to those of the first vessel, with no further fee due.
13. The owner of the first vessel, or the agent, shall return the cancelled fishing authorisation to the competent Comorian authorities via the Delegation of the European Union.
14. The new fishing authorisation shall take effect on the day that the vessel's owner returns the cancelled fishing authorisation to the competent Comorian authorities. The Delegation of the European Union in Mauritius shall be informed of the transfer of the fishing authorisation.
15. The fishing authorisation must be kept on board at all times, without prejudice to point 1 of Chapter VI of this Annex.

SECTION 2

Fishing authorisation conditions fees and advance payments

1. Fishing authorisations shall be valid for a period of 1 year. They shall be renewable.
2. The fee shall be set at EUR 35 per tonne caught within Comorian waters.

3. Fishing authorisations shall be issued once the following standard amounts have been paid to the competent national authorities:
 - EUR 3 700 per year per tuna seiner, equivalent to the fees due for 106 tonnes of tuna caught per year,
 - EUR 2 200 per year per surface longliner, equivalent to the fees due for 63 tonnes of tuna caught per year.
4. The final statement of the fees due for the fishing year shall be drawn up by the European Commission by 31 July of the following year at the latest on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the IRD (Institut de Recherche pour le Développement), the IEO (Instituto Español de Oceanografía) and the IPIMAR (Instituto de Investigação das Pescas e do Mar).
5. The statement shall simultaneously be notified to the competent Comorian authorities and the shipowners.
6. Any additional payments shall be made by the shipowners to the competent Comorian authorities by 30 August of the following year at the latest, into the account referred to in point 7 of Section 1 of this Chapter.
7. However, if the amount of the final statement is lower than the advance referred to in point 3 of this Section, the resulting balance shall not be reimbursable to the shipowner.

SECTION 3

Support vessels

1. Support vessels must be authorised in compliance with the provisions and conditions provided for in Comorian legislation.
2. There must be no fee for authorisations issued to support vessels. The latter must fly the flag of a Member State of the European Union or be part of a European company.
3. The competent Comorian authorities shall send the list of these authorisations to the Commission on a regular basis, via the Delegation of the EU in Mauritius.

CHAPTER II

FISHING ZONES

To avoid adverse effects on small-scale fisheries in Comorian waters, European Union vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the Comorian Ministry responsible for fisheries, the positions of which have been communicated to the representative of the European Union in Mauritius.

These provisions may be reviewed by the Joint Committee referred to in Article 9 of the Agreement.

CHAPTER III

MONITORING AND SURVEILLANCE

SECTION I

System for recording catches

1. All vessels authorised to fish in Comorian waters under the Agreement shall be obliged to communicate their catches to the Comorian Ministry responsible for fisheries in the following manner:
 - 1.1. European vessels authorised to fish in Comorian waters must fill out an IOTC logbook on a daily basis for tuna fishing (Appendices 2 and 3) for each trip in Comorian waters. The logbook must still be filled in if there are no catches.
 - 1.2. Copies of the IOTC logbook for tuna fishing must also be sent to the scientific institutes indicated in point 4 of Section 2 of Chapter I.
2. The words 'Outside Comorian EEZ' shall be entered in the logbook in respect of periods during which the vessel is not in Comorian waters.
3. The forms shall be filled in legibly and signed by the master of the vessel.
4. Where the provisions set out in this Chapter are not complied with, the Comorian Government shall reserve the right to suspend the fishing authorisation of the offending vessel until formalities have been completed and to apply the penalty laid down in the regulations in force in Comoros to the shipowner. The European Commission shall be informed thereof.
5. Declarations shall include the catches made by the vessel during each trip. They shall be transmitted to the Comorian Ministry responsible for fisheries by electronic means, with a copy to the European Commission, at the end of each trip and, in all cases, before the vessel leaves Comorian waters. Electronic receipts shall be sent at once to the vessel by both addressees, with a copy to the other.

6. The original of the declarations sent electronically during the annual period of validity of the licence within the meaning of point 1 of Section 2 of Chapter I of this Annex shall be transmitted on a physical medium to the Comorian Ministry responsible for fisheries within 45 days following the end of the last trip made during the said period. Hard copies shall be sent to the European Commission at the same time.
7. The two Parties must make every effort to establish a system for reporting catches based exclusively on the electronic exchange of all the data: the two Parties shall thus plan the rapid replacement of the paper version of the catch reporting with an electronic version.
8. Once the electronic catch reporting system has been set up and in the event of a technical fault in this system, the catch reports shall be done in accordance with paragraphs 5 and 6 above until the system is working again.

SECTION 2

Reporting of catches: entering and leaving Comorian waters

1. For the purposes of this Annex, the duration of a trip by a European Union vessel shall be defined as follows:
 - the period elapsing between entering and leaving Comorian waters; or,
 - the period elapsing between entering Comorian waters and a transshipment; or,
 - the period elapsing between entering Comorian waters and a landing in the Comoros.
2. European vessels shall notify the Comorian authorities responsible for fisheries inspection at least 3 hours in advance of their intention to enter or leave Comorian waters.
3. When notifying entering/leaving, vessels shall also communicate their position and the volume and species in catches kept on board. This information should preferably be communicated using electronic means in accordance with the model in Appendix 4, or failing that, by fax with acknowledgments of receipt to the vessel. In the event of a technical fault, this information will be communicated by radio.
4. Vessels found to be fishing without having informed the competent Comorian authorities shall be regarded as vessels without a fishing authorisation.
5. The e-mail address, fax and telephone numbers and radio coordinates shall also be communicated when the fishing authorisation is issued.

SECTION 3

Transshipment and landings

1. All European vessels wishing to tranship or land catches in Comorian waters shall do so within Comorian ports.
 - 1.1. The owners of such vessels must notify the following information to the competent Comorian authorities at least 24 hours in advance:
 - the names of the transshipping or landing fishing vessels,
 - the names of the cargo vessels,
 - the tonnage by species to be transhipped or landed,
 - the day of transshipment or landing,
 - the beneficiary of the catches landed.
2. Transshipment and landing shall be considered as an exit from Comorian waters. Vessels must therefore submit their catch declarations to the competent Comorian authorities and state whether they intend to continue fishing or leave Comorian waters.
3. Any transshipment or landing of catches not covered above shall be prohibited in Comorian waters. Any person infringing this provision shall be liable to the penalties provided for by the Comorian regulations in force.

SECTION 4

Satellite monitoring

European vessels must be monitored, inter alia, by the satellite-based monitoring system, without discrimination, in accordance with the following provisions.

1. For the purposes of satellite monitoring, the geographic positions of the limits of the Comorian fishing zone have been communicated to the representatives or agents of the shipowners as well as to the Control Centres of the flag States.
2. The Parties shall exchange information on https addresses and the specifications for electronic data transmission between their Control Centres in accordance with points 4 to 6. Such information shall include the following where possible: names, telephone, telex and fax numbers, and e-mail addresses which may be used for general communications between Control Centres.
3. The position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99 %.

4. When a vessel which is fishing under the Agreement between the European Union and the Comoros and which is the subject of satellite-based monitoring pursuant to European Union legislation enters the Comorian fishing zone, the subsequent position reports shall immediately be transmitted by the Control Centre of the flag State to the Comorian Fisheries Monitoring Centre (CNCSP) at intervals of no more than 2 hours. The messages concerned shall be identified as position reports.
 - 4.1. The transmissions may be changed to intervals of no more than 30 minutes if there is serious evidence that the vessel is in breach of the rules;
 - 4.2. This evidence must be submitted by the CNCSP to the Control Centre of the flag State as well as to the European Commission. The request to change the intervals for the transmissions must be attached. The Control Centre of the flag State must then send the data to the CNCSP of the Comoros, in real time, immediately after having received the request;
 - 4.3. The CNCSP of the Comoros shall then immediately notify the Control Centre of the flag State and the European Commission of the end of the inspection procedure;
 - 4.4. The Control Centre of the flag State and the European Commission must be informed about the follow-up to any inspection procedure which is based on this special request.
5. The messages specified in point 4 shall be transmitted electronically in https format, without any further protocol. They shall be communicated in real time in the format set out in the table in Appendix 4.
 - 5.1. It is prohibited for vessels to turn off the satellite-monitoring equipment when they are operating in Comorian waters.
6. Where the continuous satellite monitoring equipment installed on board a fishing vessel develops a technical fault or breaks down, the master of the vessel shall transmit the information specified in point 4 to the Control Centre of the flag State in good time. In such circumstances, it will be necessary to send a position report every 4 hours while the vessel is in Comorian waters.
 - 6.1. This global position report shall include the hourly positions as recorded by the master of that vessel during those 4 hours.
 - 6.2. The Control Centre of the flag State or the vessel itself must forward these messages to the CNCSP of the Comoros without delay.
 - 6.3. In case of need or doubt, the competent Comorian authorities may request additional information from the Control Centre of the flag State about a particular vessel.
7. The defective equipment shall be repaired or replaced as soon as the vessel completes its fishing trip and, in any case, within one month at the latest. After this deadline, the vessel in question may not undertake any further fishing trips until the equipment has been repaired or replaced.
8. The satellite-monitoring system software and hardware components must be tamper-proof i.e. they must not permit the input or output of false positions or be capable of being manipulated. The system must be fully automatic and operational at all times regardless of environmental conditions. Destroying, damaging, rendering inoperative or tampering with the satellite-monitoring system shall be prohibited.
 - 8.1. The master of the vessel must ensure in particular that:
 - data are not altered in any way,
 - the antenna or antennas connected to the satellite-monitoring equipment are not obstructed in any way,
 - the power supply of the satellite-monitoring equipment is not interrupted in any way,
 - the vessel tracking device is not removed from the vessel or from the place where it was originally installed,
 - any replacement of the vessel tracking device shall be immediately notified to the competent Comorian authorities.
 - 8.2. Any violation of the abovementioned obligations may make the master liable under the laws and regulations of the Comoros, provided that the vessel is operating in Comorian waters.
9. The Control Centres of the flag States shall monitor the movements of their vessels in Comorian waters. If the vessels are not being monitored in accordance with the conditions laid down, the CNCSP shall be informed immediately and the procedure laid down in point 6 shall be applicable.
10. The Control Centres of the flag States and the CNCSP of the Comoros must cooperate to ensure the implementation of these provisions. If the CNCSP establishes that a flag State is not transmitting the data in accordance with point 4, the other Party must be informed immediately. Upon receipt of notification, that other Party must respond within 24 hours by informing the CNCSP of the reasons for non-transmission and stating a reasonable deadline for complying with these provisions. In the event that these provisions are not complied with within the time-limit, the two Parties will resolve the dispute in writing or as provided for in point 14 below.

11. The monitoring data communicated to the other Party in accordance with these provisions are intended solely for the purposes of the Comorian authorities in controlling and monitoring the European Union fleet fishing under the Fisheries Agreement between the EU and the Comoros. Such data may not under any circumstances be communicated to third parties.
12. The Parties shall agree to exchange upon request information on the equipment used for satellite monitoring, in order to ensure that each piece of equipment is fully compatible with the requirements of the other Party for the purposes of these provisions.
13. The Parties shall agree to review these provisions when appropriate, in particular in the event of a malfunction or anomaly relating to the vessels. These cases should be notified by the competent Comorian authority to the flag state at least 15 days before the review meeting.
14. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the Parties within the Joint Committee provided for in Article 9 of the Agreement between the European Union and the Comoros.

CHAPTER IV

EMBARKING SEAMEN

1. Each European Union vessel shall take on board, at its own expense, at least one qualified Comorian seaman during a season in Comorian waters.
2. Shipowners shall endeavour to take on board additional ACP seamen.
3. Shipowners shall be free to select the seamen they take on board their vessels from the names on a list submitted by the competent Comorian authorities.
4. The shipowner or agent shall inform the competent Comorian authorities of the names of the local seamen taken on board the vessel concerned, mentioning their position in the crew.
5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by European Union vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
6. Seamen's employment contracts, a copy of which shall be given to the signatories, shall be drawn up between the shipowners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the competent Comorian authorities. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
7. The wages of the ACP seamen shall be paid by the shipowners. They shall be fixed by mutual agreement between the shipowners or their agents and the seamen and/or their trade unions or representatives. However, the wage conditions granted to ACP seamen may not be lower than those applied to crews from their respective countries and may under no circumstances be below ILO standards.
8. All seamen employed aboard European Union vessels must report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, shipowners shall be automatically absolved of their obligation to take that seaman on board.
9. Where no local seamen are taken on board for reasons other than that referred to in the previous point, shipowners shall be obliged to pay, for each day of the fishing trip in Comorian waters, a flat-rate amount of EUR 20 per day and per vessel. The payment of this amount shall take place at the latest within the limits laid down in point 6 of Section 2 of Chapter I of this Annex.
10. This sum shall be used for training local seamen and shall be paid into the account specified by the Comorian authorities.

CHAPTER V

OBSERVERS

1. Vessels authorised to fish in Comorian waters under the Agreement shall take on board observers appointed by the Comorian authorities responsible for fisheries on the terms set out below.
 - 1.1. At the request of the Comorian Ministry responsible for fisheries, tuna vessels shall take on board an observer designated by the former to check catches made in Comorian waters.
 - 1.2. The competent Comorian authority shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every 3 months thereafter where they have been updated.

- 1.3. The competent Comorian authorities shall inform the shipowners concerned, or their agents, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued, or no later than 15 days before the observer's planned embarkation date.
2. The time spent on board by the observer shall be one fishing trip. However, at the express request of the competent Comorian authorities, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request shall be made by the competent Comorian authorities when the name of the observer appointed to board the vessel in question is notified.
3. The conditions under which the observer is taken on board shall be agreed between the shipowner or agent and the Comorian authorities.
4. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage in Comorian waters after notification of the list of designated vessels.
5. Within 2 weeks and giving 10 days' notice, the shipowners concerned shall make known at which Comorian ports and on what dates they intend to take observers on board.
6. Where the observer is taken on board in a foreign country, his travel costs shall be borne by the shipowner. Should a vessel with a Comorian observer on board leave Comorian waters, all measures must be taken to ensure the observer's return to the Comoros as soon as possible at the expense of the shipowner.
7. If the observer is not present at the time and place agreed or within the 12 hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.
8. The observer shall be treated as an officer. They shall carry out the following tasks:
 - 8.1. observe the fishing activities of the vessels;
 - 8.2. verify the position of vessels engaged in fishing operations;
 - 8.3. note the fishing gear used;
 - 8.4. verify the catch data for Comorian waters recorded in the logbook;
 - 8.5. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fin-fish, crustaceans and cephalopods;
 - 8.6. report fishing data by radio, including the quantity of catches and by-catches on board.
9. The master shall do everything in his power to ensure the physical safety and welfare of the observer during the latter's performance of his duties.
10. The observer shall be offered every facility needed to carry out his duties. The master shall give him access to the means of communication needed for the discharge of his duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of his tasks.
11. While on board, the observer shall:
 - 11.1. take all appropriate steps to ensure that the conditions of his boarding and presence on the vessel neither interrupt nor hamper fishing operations;
 - 11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.
12. At the end of the observation period and before leaving the vessel, the observer shall draw up an activity report to be transmitted to the competent Comorian authorities, with a copy to the European Commission. He shall sign it in the presence of the master, who may add or cause to be added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be given to the master of the vessel when the scientific observer is put ashore.
13. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers on the vessel, within the confines of the structure of the vessel.
14. The salary and social contributions of the observer shall be borne by the competent Comorian authorities.

CHAPTER VI

MONITORING

European fishing vessels must comply with the measures and recommendations adopted by the Indian Ocean Tuna Commission (IOTC) regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

1. List of vessels

- 1.1. The European Union shall keep an up-to-date list of the vessels to which a fishing authorisation has been issued under the provisions of this Protocol. This list shall be notified to the Comorian authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.
- 1.2. European Union vessels may be included on the list referred to in the previous point upon receipt of notification of the advance payment referred to in point 3 of Section 2 of Chapter I of this Annex. In this case, a certified copy of this list may be obtained by the shipowner and kept on board instead of the fishing authorisation until the authorisation has been issued.

2. Monitoring procedures

- 2.1. Masters of European Union vessels engaged in fishing activities in Comorian waters shall allow and facilitate boarding and the discharge of their duties by any Comorian official responsible for the inspection and monitoring of fishing activities.
- 2.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
- 2.3. Once the inspection and monitoring has been completed, a copy of the inspection report shall be provided to the master of the vessel.
- 2.4. In order to facilitate safe inspection procedures and without prejudicing Comorian legislation, the boarding must be carried out in such a way that the inspection platforms and the inspectors are identified as officers authorised by the Comoros.
- 2.5. Masters of European vessels engaged in landing or transshipment operations in a Comorian port shall allow and facilitate the inspection of such operations by Comorian inspectors.

CHAPTER VII

BOARDING

1. Boarding

- 1.1. The competent Comorian authorities shall inform the European Commission and the flag State, within no more than 24 working hours, of all boardings of and penalties imposed on European vessels in Comorian waters.
- 1.2. The European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

2. Statement of boarding

- 2.1. After the competent Comorian authorities have drawn up a statement, the master of the vessel must sign it.
- 2.2. This signature shall not prejudice the rights of the master or any defence which he may make to the alleged infringement.
- 2.3. The master must take the vessel to the port indicated by the Comorian authorities. In the case of minor infringements, the competent Comorian authorities may authorise the boarded vessel to continue its fishing activities.

3. Consultation meeting in the event of boarding

- 3.1. Before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day of the receipt of the above information, between the European Commission and the competent Comorian authorities, possibly attended by a representative of the Member State concerned.
- 3.2. At the meeting, the Parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his agent shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

4. Settlement of boarding

- 4.1. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement by means of an amicable settlement. This procedure shall end no later than three working days after the boarding.
- 4.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Comorian legislation. This amount should be recorded, signed and sent to the European Commission as well as to the flag state.
- 4.3. If the case cannot be settled by amicable settlement and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be lodged by the shipowner with a bank specified by the competent Comorian authorities.
- 4.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Comorian authorities.
- 4.5. The vessel shall be released and its crew authorised to leave the port:
 - once the obligations arising under the amicable settlement have been fulfilled; or,
 - when the bank security referred to in point 4.3 above has been lodged and accepted by the competent Comorian authorities, pending completion of the legal proceedings.

Appendices

1. Application form for a fishing authorisation
 2. Seiners logbook
 3. Longliners logbook
 4. Declaration form for entering and leaving the zone
 5. Communication of VMS messages to the Comoros – Position report
-

Appendix 1

FISHING AUTHORISATION APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant:

.....

Address of applicant:

.....

Name and address of charterer of vessel if different from above:

.....

Name and address of representative (agent) in the Comoros:

.....

Name of vessel:

.....

Type of vessel:

.....

Country of registration:

.....

Port and registration number:

.....

Fishing vessel external identification:

.....

Radio call sign and frequency:

.....

Length of vessel:

.....

Width of vessel:

.....

Engine type and horse power:

.....

Gross registered tonnage of vessel:

.....

Net registered tonnage of vessel:

.....

Minimum crew:

.....

Type of fishing:

.....

Proposed catch species:

.....

Period of validity requested:

.....

I, the undersigned, declare that the above particulars are correct.

Date Signature

Appendix 2

MODEL FISHING FORM FOR TUNA SEINERS

DEPART/SALIDA/DEPARTURE		ARRIVEE/LLEGADA/ARRIVAL		NAVIRE/BARCO/VESSEL		PATRON/PATRON/MASTER		FEUILLE									
PORT/PUERTO/PORT		DATE/FECHA/DATE		HEURE/HORA/HOUR		LOCH/CORREDERA/LOCH		HOJA/ SHEET N°									
DATE FECHA DATE		CALEE LANCE SET		CAPTURE ESTIMEE ESTIMACIÓN DE LA CAPTURA ESTIMATED CATCH				ASSOCIATION ASOCIACIÓN ASSOCIATION		COMMENTAIRES OBSERVACIONES COMMENTS		COURANT CORRIENTE CURRENT					
POSITION (chaque calée ou midi) POSICIÓN (cada lance o mediodía) POSITION (each set or midday)		1 ALBACORE RABIL YELLOWFIN		2 LISTAO LISTADO SKIP/JACK		3 PATUDO PATUDO BIGEYE		AUTRE ESPECE le/les nom(s) OTRA ESPECIE dar el/los nombre(s) OTHER SPECIES give name(s)		REJETS nom(s) DESCARTES dar nombre(s) DISCARDS give name(s)		le/les e/los		Route/Recherche, problèmes divers, type d'épave (naturelle/artificielle, balisée, bateau), prise accessoire, taille du banc, autres associations, ... Ruta/Busca, problemas varios, tipo de objeto (natural/artificial, con baliza, barco), captura accesoria, talla del banco, otras asociaciones, ... Steaming/Searching, miscellaneous problems, log type (natural/artificial, with radio beacon, vessel), by catch, school size, other associations, ...			
		Taille Talla Size		Capture Captura Catch		Taille Talla Size		Capture Captura Catch		Nom Nombre Name		Taille Talla Size				Capture Captura Catch	
Une calée par ligne/Un lance cada línea/One set by line																	

SIGNATURE

DATE



MODEL FISHING FORM FOR TUNA LONGLINERS

Flag country/Pavilion			
Date reported/Date de déclaration †		Name of captain/Nom du capitaine	
Reporting person/Personne déclarante	Name/Nom		Phone/Téléphone
Departure date/Date de départ †		Departure port/Port de départ	
Arrival date/Date d'arrivée †		Arrival port/Port d'arrivée	

Name of boat/nom du navire		
Vessel size/Taille du navire	GT (tons)/TB (tonnes)	LOA (m)/LHT (m)
License number/Numéro de licence		
Call sign/Indicatif radio		
Number of crew/Effectif équipage		

† use YYYY/MM/DD for dates/utilisez AAAA/MM/JJ pour les dates

Gear configuration/configuration de l'engin	
Branch line length/Longueur des avancons (m)	
Float line length/longueur des ralingues de flotteurs (m)	
Length between branch lines/longueur entre les avancons	

Type of weight/type de poids	
	whole/entier
	processed/transformé

For each haul, the catches must be indicated in number and weight (kg) respectively in the upper and lower rows

Date	Position								Tunas/thons					Billfishes / Aiguilles de mer					Sharks/requins				
	Latitude		Longitude						southern bluefin/thon rouge	albacore/german	bigeye/patudo	yellow-fin/albacore	skip-jack/listao	Sword-fish/espadon	Stripped marlin/marlin rayé	blue marlin/marlin bleu	black marlin/marlin noir	Sail-fish/voilier	Shortbill spearfish/marlin rostre court	Blue shark/Peau bleue	Porbeagle/requin taupe	Mako/petite taupe	Other/autres
	Degree/Degrés a	N S	Degree/Degrés a	E W																			
		N S		E W																			
		N S		E W																			
		N S		E W																			
		N S		E W																			

for dates, use the YYYY/MM/DD format/pour les dates, utiliser le format AAAA/MM/JJ

a for positions, use the format/pour les positions, utiliser le format: XX\XX'

** for SST, use a value with one decimal point/pour la SST, utiliser une valeur une d'écimale

**MODEL TABLE FOR MONITORING THE ACTIVITY OF COMMUNITY FISHING VESSELS IN COMORIAN
WATERS**

Flag state	Name of vessel	Sign of vessel	Year	Category (seiner, longliner)	Authorisation	Entry in zone	Exit out of zone	Fishing days (VMS)	Catches	VMS Remarks

Appendix 5

COMMUNICATION OF VMS MESSAGES TO THE COMOROS

Position report

Data Element	Code	Mandatory/Optional	Comments
Start record	SR	O	System detail – indicates start of record
Recipient	AD	O	Message detail – addressee. Alpha 3 ISO country code
From	FS	O	Message detail – sender. Alpha 3 ISO country code
Type of message	TM	O	Message detail – Message type 'POS'
Radio call sign	RC	O	Vessel detail – international radio call sign of vessel
Contracting Party internal reference number	IR	F	Vessel detail – Unique contracting Party number (flag State ISO-3 code followed by number)
External registration number	XR	F	Vessel detail – number marked on side of vessel
Flag State	FS	F	Flag state detail
Latitude	LA	O	Vessel position detail – position in degrees and minutes N/S DDMM (WGS-84)
Longitude	LO	O	Vessel position detail – position in degrees and minutes E/W DDDMM (WGS-84)
Date	DA	O	Vessel position detail – date of record of UTC position (YYYYMMDD)
Time	TI	O	Vessel position detail – time of record of UTC position (HHMM)
End record	ER	O	System detail – indicates end of record

Character set: ISO 8859.1

Each data transmission is structured as follows:

- a double slash (//) and the code 'SR' indicate the start of the message,
- a double slash (//) and a code indicate the start of a data element,
- a single slash (/) separates the code and the data,
- pairs of data are separated by a space,
- the code 'ER' and a double slash (//) at the end indicate the end of a record,
- optional data elements have to be inserted between the start and end of the record.

REGULATIONS

COUNCIL REGULATION (EU) No 1212/2010

of 29 November 2010

concerning the allocation of the fishing opportunities under the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) A new Protocol (hereinafter 'the Protocol') to the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros ⁽¹⁾ (hereinafter 'the Agreement') was signed on 21 May 2010 and was amended by an Exchange of Letters on 16 September 2010. That new Protocol provides EU vessels with fishing opportunities in the waters over which the Union of the Comoros has sovereignty or jurisdiction in respect of fisheries.

(2) On 29 November 2010, the Council adopted Decision 2010/783/EU ⁽²⁾ on the signing and on the provisional application of the Protocol.

(3) The method for allocating the fishing opportunities among the Member States should be defined for the duration of the Protocol.

(4) In accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽³⁾, if it appears that the fishing opportunities allocated to the European Union under the Protocol are not fully utilised, the Commission should inform the Member States concerned. The absence of a reply within the deadline, to be set by the Council, should be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. That deadline should be set.

(5) This Regulation should enter into force on the first day following its publication in the *Official Journal of the European Union* and should apply from 1 January 2011,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol to the Agreement shall be allocated among the Member States as follows:

(a) tuna seiners

Spain	22 vessels
France	22 vessels
Italy	1 vessel

(b) surface longliners

Spain	12 vessels
France	8 vessels
Portugal	5 vessels

2. Without prejudice to the Agreement and the Protocol, Regulation (EC) No 1006/2008 shall apply.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

The deadline referred to in Article 10(1) of that Regulation shall be set at 10 working days.

Article 2

This Regulation shall enter into force on the first day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2011.

⁽¹⁾ OJ L 290, 20.10.2006, p. 7.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ L 286, 29.10.2008, p. 33.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 November 2010.

For the Council

The President

K. PEETERS

COMMISSION REGULATION (EU) No 1213/2010**of 16 December 2010****establishing common rules concerning the interconnection of national electronic registers on road transport undertakings****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

- (1) In order to facilitate the interconnection of the national electronic registers as required by Article 16(5) of Regulation (EC) No 1071/2009, the Commission should adopt common rules for the implementation of this interconnection in accordance with Article 16(6) of Regulation (EC) No 1071/2009.
- (2) The provisions on personal data protection, as laid down in particular by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽²⁾, apply to the processing of any personal data pursuant to Regulation (EC) No 1071/2009. In particular, Member States should implement appropriate security measures to prevent misuse of personal data.

- (3) Where applicable, the provisions on personal data protection, as laid down by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾ apply to the processing of any personal data pursuant to Regulation (EC) No 1071/2009.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 18(1) of Council Regulation (EEC) No 3821/85 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The common rules to enable the interconnection of the national electronic registers shall be as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 31 December 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 300, 14.11.2009, p. 51.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

⁽⁴⁾ OJ L 370, 31.12.1985, p. 8.

ANNEX

The system of interconnection of national electronic registers shall be called the ERRU (European Registers of Road Transport Undertakings).

1. INFORMATION EXCHANGE

1.1. Exchange on infringements

1.1.1. Infringement Notification Message

When exchanging information according to Article 13(1) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market ⁽¹⁾, or Article 23(1) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 ⁽²⁾, Member States shall use messages of the following format (Infringement Notification Message):

Data type	Data item	Mandatory or optional	Additional description of data field
Notifying Member State	Notifying Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Notifying competent authority	Notifying competent authority identifier	Mandatory	Free text alpha-numeric field
Destination Member State	Destination Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Notification details	Notification number	Mandatory	Free text alpha-numeric field
	Date of notification	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Time of notification	Mandatory	Numeric data entry in form HH:MM:SS
Transport undertaking	Name	Optional	Free text alpha-numeric field
Authorisation	Serial number of certified true copy of Community licence	Mandatory	Free text alpha-numeric field
	Vehicle registration number	Optional	Free text alpha-numeric field
Serious infringement	Category	Mandatory	
	Type	Mandatory	

⁽¹⁾ OJ L 300, 14.11.2009, p. 72.

⁽²⁾ OJ L 300, 14.11.2009, p. 88.

Data type	Data item	Mandatory or optional	Additional description of data field
	Date of infringement	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Date of check where infringement has been ascertained	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
Penalties imposed and executed	Final decision date	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Penalty type imposed	Mandatory	Declaration of either: 'Warning' 'Temporary ban on cabotage operations' 'Fine' 'Prohibition' 'Immobilisation' 'Other'
	If applicable: start date of penalty imposed	Optional	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	If applicable: end date of penalty imposed	Optional	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Penalties executed	Mandatory	Declaration of either: 'Yes' 'No' 'Unknown'
Penalties requested	Type of administrative penalty requested	Optional	Declaration of either: 'Warning' 'Temporary withdrawal of some or all of the certified true copies of the Community licence' 'Permanent withdrawal of some or all of the certified true copies of the Community licence' 'Temporary withdrawal of the Community licence' 'Permanent withdrawal of the Community licence' 'Suspension of the issue of driver attestations' 'Withdrawal of driver attestations' 'Issue of driver attestations subject to additional conditions in order to prevent misuse'
	Requested penalty duration (calendar days)	Optional	Numeric data entry DDDDD

1.1.2. *Infringement Response Message*

When exchanging information according to Article 12(3) of Regulation (EC) No 1072/2009 or Article 22(2) of Regulation (EC) No 1073/2009, Member States shall use messages of the following format (Infringement Response Message):

Data type	Data item	Mandatory or optional	Additional description of data field
Responding Member State	Responding Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Responding competent authority	Responding competent authority identifier	Mandatory	Free text alpha-numeric field
Destination Member State	Destination Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Destination competent authority	Destination competent authority identifier	Mandatory	Free text alpha-numeric field
Response details	Notification number	Mandatory	Free text alpha-numeric field
	Date of response	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Time of response	Mandatory	Numeric data field in form HH:MM:SS
Transport undertaking	Name	Mandatory	Free text alpha-numeric field
Authority imposing penalty	Authority imposing penalty name	Mandatory	Free text alpha-numeric field
Penalties imposed	Confirm penalty imposed	Mandatory	Declaration of either: 'Yes' 'No'
	Penalty imposed	Mandatory	Declaration of either: 'Warning' 'Temporary withdrawal of some or all of the certified true copies of the Community licence' 'Permanent withdrawal of some or all of the certified true copies of the Community licence' 'Temporary withdrawal of the Community licence' 'Permanent withdrawal of the Community licence' 'Suspension of the issue of driver attestations' 'Withdrawal of driver attestations' 'Issue of driver attestations subject to additional conditions in order to prevent misuse' 'Other'

Data type	Data item	Mandatory or optional	Additional description of data field
	Penalty imposed date	Optional	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Penalty imposed end date	Optional	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Reason penalty not imposed	Optional	Free text alpha-numeric field

1.2. Checking the good repute of transport managers

1.2.1. Search Request Message

When verifying in accordance with Article 11(4) of Regulation (EC) No 1071/2009 whether a transport manager is declared in one of the Member States unfit to manage the transport activities of an undertaking, Member States shall use messages of the following format (Search Request Message):

Data category	Data item	Mandatory or optional	Additional description of data field
Requesting Member State	Requesting Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Requesting competent authority	Requesting competent authority identifier	Mandatory	Free text alpha-numeric field
Search request details	Number of search request message	Mandatory	
	Date of search request	Mandatory	
	Time of search request	Mandatory	
Transport manager	Given name	Mandatory	Free text alpha-numeric field
	Family name(s)	Mandatory	Free text alpha-numeric field
	Date of birth	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Place of birth	Optional	Free text alpha-numeric field
	Number of certificate of professional competence	Mandatory	Free text alpha-numeric field
	Date of issuance of the certificate of professional competence	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Country of issue of the certificate of professional competence	Mandatory	Selected from two letter code ISO 3166-1 alpha 2

1.2.2. Search Response Message

When replying to a Search Request Message as foreseen under 1.2.1., Member States shall use messages of the following format (Search Response Message):

Data type	Data item	Mandatory or optional	Additional description of data field
Requesting Member State	Requesting Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Requesting competent authority	Requesting competent authority identifier	Mandatory	Free text alpha-numeric field
Replying Member State	Replying Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Replying competent authority	Replying competent authority identifier	Mandatory	Free text alpha-numeric field
Search response details	Number of search request message	Mandatory	Free text alpha-numeric field
	Date of response	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Time of response	Mandatory	Numeric data field in format (HH:MM:SS)
Search results	Status	Mandatory	Declaration of either: — Found — Not found
Transport manager	First given name	Mandatory	Free text alpha-numeric field
	Family name(s)	Mandatory	Free text alpha-numeric field
	Date of birth	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Place of birth	Mandatory	Free text alpha-numeric field
	Number of certificate of professional competence	Mandatory	Free text alpha-numeric field
	Date of issuance of the certificate of professional competence	Mandatory	Numeric data entry in ISO 8601 format (YYYY-MM-DD)
	Country of issue of the certificate of professional competence	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
	Number of undertakings managed	Mandatory	Numeric data entry

Data type	Data item	Mandatory or optional	Additional description of data field
	Number of vehicles managed	Mandatory	Numeric data entry
Fitness	Fitness	Mandatory	Declaration of either — 'Unfit' — 'Fit'
	End date till when the person is declared unfit	Optional	Numeric data entry in ISO 8601 format (YYYY-MM-DD) Applicable if the Fitness is 'Unfit'

1.3. Acknowledgement

When acknowledging the receipt of a message, Member States shall use messages of the following format (Acknowledgement Message):

Data type	Data item	Mandatory or optional	Additional description of data field
Acknowledging Member State	Acknowledging Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Acknowledging competent authority	Acknowledging competent authority identifier	Mandatory	Free text alpha-numeric field
Destination Member State	Destination Member State	Mandatory	Selected from two letter code ISO 3166-1 alpha 2
Destination competent authority	Destination competent authority identifier	Mandatory	Free text alpha-numeric field
Original message details	Original message identifier	Mandatory	Free text alpha-numeric field
Acknowledgement details	Acknowledgement message identifier	Mandatory	Free text alpha-numeric field
	Date acknowledgement of	Mandatory	Numeric data entry in form YYYY-MM-DD
	Time acknowledgement of	Mandatory	Numeric data entry in form HH:MM:SS

2. THE ERRU ARCHITECTURE

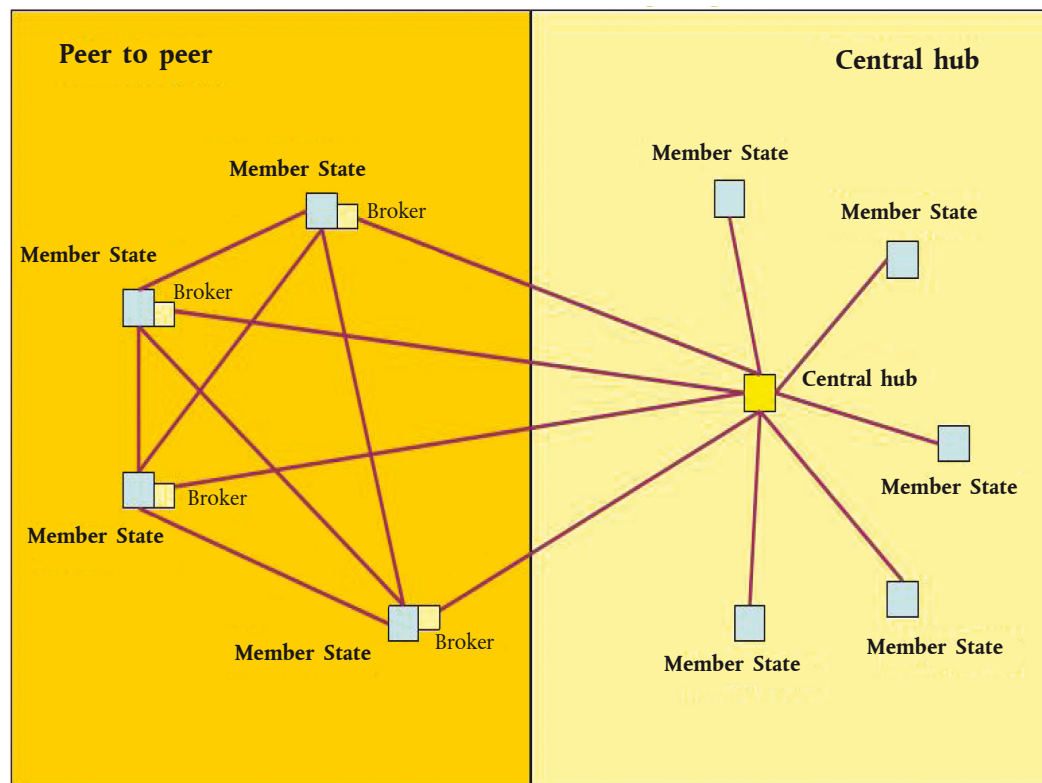
The interconnection shall take the form of an XML messaging framework providing services to Member States by means of XML messages exchanged in a reliable, secure and in a choreographed (workflow) way.

The ERRU system shall consist of a system comprising a 'central hub' architecture (client-server with an intelligent router) and a 'peer to peer' architecture. Member States can choose to use any of the above two architectures to exchange XML messages on sTESTA network (using HTTPS).

The ERRU system is depicted in figure 1 below:

Figure 1

ERRU system



Member States shall have two options to communicate messages, depending on the architecture which is being used by the Member States involved in the exchange: Using central hub architecture or using peer-to-peer architecture.

The central hub shall be managed by the Commission. The Commission shall be responsible for the technical operation, the maintenance and the overall security of the sTESTA network and of the central hub. Only logging data shall be stored on this central hub. The Commission shall have no access to business data except for maintenance and debugging purposes.

Member States shall be responsible for their national system. Member States using a peer-to-peer architecture shall be responsible for the interoperability of the peer-to-peer architecture with the central hub.

Member States shall use for the interconnection through ERRU:

- Standard Internet protocols (XML, HTTPS, XML Web Services), and
- sTESTA private network of the European Commission.

3. STATISTICS AND LOGGING

Member States using peer-to-peer connections shall place at the disposal of the Commission the information necessary for statistical purposes on a weekly basis.

In order to ensure privacy, the data for statistical purposes shall be anonymous.

Logging information shall keep track of all transactions for monitoring and debugging purposes, and to be able to generate statistics about these transactions. The following types of logging data shall be stored and monitored:

- Application log (such as messages exchanged, including type of message, date, message structure),
- Security log (such as logon attempts, accessing of files),
- System log (such as system failures).

Logging information shall not be retained for more than 6 months.

Member States using a peer-to-peer architecture shall be responsible for logging information concerning transactions carried out through the peer-to-peer connections.

The national contact points designated by Member States according to Article 18(1) of Regulation (EC) No 1071/2009 shall be responsible for access to exchanged data and further use and updating of data after access.

4. MINIMUM LEVEL OF SERVICE

Member States shall apply the following minimum service standards with regards to ERRU:

4.1. Service time frame and coverage

24 hours/7 days

4.2. Availability rate of the technical system

98 %

System Availability rate represents the percentage of successful transactions per month.

4.3. System response time

Maximum 60 seconds.

If a system does not meet the requested response time the Member State shall undertake all necessary steps to bring the system back to normal response time as quickly as possible.

4.4. Maintenance procedure

Member States shall notify other Member States and the Commission of any routine maintenance activities via the maintenance portal 1 week before.

4.5. Incident escalation

An incident is a situation where a Member State's system is not available due to unforeseeable reasons.

In case an incident cannot be corrected within 30 minutes the following escalation procedure shall be applied by the Member State whose system is at the origin of the incident:

- (a) notification of the incident to the other Member States and to the Commission by e-mail within 30 minutes;
 - (b) immediately after the system has been restored a further message shall be sent by e-mail to inform the other Member States and the Commission that the system is back to normal.
-

COMMISSION REGULATION (EU) No 1214/2010**of 17 December 2010****entering a name in the register of protected designations of origin and protected geographical indications (Carota Novella di Ispica (PGI))**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Carota Novella di Ispica (PGI)' was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 122, 11.5.2010, p. 12.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

ITALY

Carota Novella di Ispica (PGI)

COMMISSION REGULATION (EU) No 1215/2010**of 17 December 2010****entering a name in the register of protected designations of origin and protected geographical indications (Montoro-Adamuz (PDO))**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Spain's application to register the name 'Montoro-Adamuz' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 125, 13.5.2010, p. 19.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.5. Oils and fats (butter, margarine, oil, etc.)

SPAIN

Montoro-Adamuz (PDO)

COMMISSION REGULATION (EU) No 1216/2010**of 17 December 2010****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Welsh Lamb (PGI)]**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined the United Kingdom's application for the approval of amendments to the specification for the protected geographical indication 'Welsh Lamb' registered in accordance with Commission Regulation (EC) No 2400/96 ⁽²⁾, as amended by Regulation (EC) No 1257/2003 ⁽³⁾.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been notified to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name in the Annex to this Regulation are hereby approved.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 327, 18.12.1996, p. 11.

⁽³⁾ OJ L 177, 16.7.2003, p. 3.

⁽⁴⁾ OJ C 112, 1.5.2010, p. 11.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.1 – Fresh meat (and offal)

UNITED KINGDOM

Welsh Lamb (PGI)

COMMISSION REGULATION (EU) No 1217/2010**of 14 December 2010****on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EEC) No 2821/71 of the Council of 20 December 1971 on application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices ⁽¹⁾,

Having published a draft of this Regulation,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

- (1) Regulation (EEC) No 2821/71 empowers the Commission to apply Article 101(3) of the Treaty on the Functioning of the European Union (*) by regulation to certain categories of agreements, decisions and concerted practices falling within the scope of Article 101(1) of the Treaty which have as their object the research and development of products, technologies or processes up to the stage of industrial application, and exploitation of the results, including provisions regarding intellectual property rights.
- (2) Article 179(2) of the Treaty calls upon the Union to encourage undertakings, including small and medium-sized undertakings, in their research and technological development activities of high quality, and to support their efforts to cooperate with one another. This Regulation is intended to facilitate research and development while at the same time effectively protecting competition.
- (3) Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements ⁽²⁾ defines categories of research and development agreements which the Commission regarded as normally satisfying the conditions laid down

in Article 101(3) of the Treaty. In view of the overall positive experience with the application of that Regulation, which expires on 31 December 2010, and taking into account further experience acquired since its adoption, it is appropriate to adopt a new block exemption regulation.

- (4) This Regulation should meet the two requirements of ensuring effective protection of competition and providing adequate legal security for undertakings. The pursuit of those objectives should take account of the need to simplify administrative supervision and the legislative framework to as great an extent as possible. Below a certain level of market power it can in general be presumed, for the application of Article 101(3) of the Treaty, that the positive effects of research and development agreements will outweigh any negative effects on competition.
- (5) For the application of Article 101(3) of the Treaty by regulation, it is not necessary to define those agreements which are capable of falling within Article 101(1) of the Treaty. In the individual assessment of agreements under Article 101(1) of the Treaty, account has to be taken of several factors, and in particular the market structure on the relevant market.
- (6) Agreements on the joint execution of research work or the joint development of the results of the research, up to but not including the stage of industrial application, generally do not fall within the scope of Article 101(1) of the Treaty. In certain circumstances, however, such as where the parties agree not to carry out other research and development in the same field, thereby forgoing the opportunity of gaining competitive advantages over the other parties, such agreements may fall within Article 101(1) of the Treaty and should therefore be included within the scope of this Regulation.
- (7) The benefit of the exemption established by this Regulation should be limited to those agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 101(3) of the Treaty.
- (8) Cooperation in research and development and in the exploitation of the results is most likely to promote technical and economic progress if the parties contribute complementary skills, assets or activities to the co-operation. This also includes scenarios where one party merely finances the research and development activities of another party.

⁽¹⁾ OJ L 285, 29.12.1971, p. 46.

⁽²⁾ OJ L 304, 5.12.2000, p. 7.

(*) With effect from 1 December 2009, Article 81 of the EC Treaty has become Article 101 of the Treaty on the Functioning of the European Union (TFEU). The two articles are, in substance, identical. For the purposes of this Regulation, references to Article 101 of the TFEU should be understood as references to Article 81 of the EC Treaty where appropriate. The TFEU also introduced certain changes in terminology, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this Regulation.

- (9) The joint exploitation of results can be considered as the natural consequence of joint research and development. It can take different forms such as manufacture, the exploitation of intellectual property rights that substantially contribute to technical or economic progress, or the marketing of new products.
- (10) Consumers can generally be expected to benefit from the increased volume and effectiveness of research and development through the introduction of new or improved products or services, a quicker launch of those products or services, or the reduction of prices brought about by new or improved technologies or processes.
- (11) In order to justify the exemption, the joint exploitation should relate to products, technologies or processes for which the use of the results of the research and development is decisive. Moreover, all the parties should agree in the research and development agreement that they will all have full access to the final results of the joint research and development, including any arising intellectual property rights and know-how, for the purposes of further research and development and exploitation, as soon as the final results become available. Access to the results should generally not be limited as regards the use of the results for the purposes of further research and development. However, where the parties, in accordance with this Regulation, limit their rights of exploitation, in particular where they specialise in the context of exploitation, access to the results for the purposes of exploitation may be limited accordingly. Moreover, where academic bodies, research institutes or undertakings which supply research and development as a commercial service without normally being active in the exploitation of results participate in research and development, they may agree to use the results of research and development solely for the purpose of further research. Depending on their capabilities and commercial needs, the parties may make unequal contributions to their research and development cooperation. Therefore, in order to reflect, and to make up for, the differences in the value or the nature of the parties' contributions, a research and development agreement benefiting from this Regulation may provide that one party is to compensate another for obtaining access to the results for the purposes of further research or exploitation. However, the compensation should not be so high as to effectively impede such access.
- (12) Similarly, where the research and development agreement does not provide for any joint exploitation of the results, the parties should agree in the research and development agreement to grant each other access to their respective pre-existing know-how, as long as this know-how is indispensable for the purposes of the exploitation of the results by the other parties. The rates of any licence fee charged should not be so high as to effectively impede access to the know-how by the other parties.
- (13) The exemption established by this Regulation should be limited to research and development agreements which do not afford the undertakings the possibility of eliminating competition in respect of a substantial part of the products, services or technologies in question. It is necessary to exclude from the block exemption agreements between competitors whose combined share of the market for products, services or technologies capable of being improved or replaced by the results of the research and development exceeds a certain level at the time the agreement is entered into. However, there is no presumption that research and development agreements are either caught by Article 101(1) of the Treaty or that they fail to satisfy the conditions of Article 101(3) of the Treaty once the market share threshold set out in this Regulation is exceeded or other conditions of this Regulation are not met. In such cases, an individual assessment of the research and development agreement needs to be conducted under Article 101 of the Treaty.
- (14) In order to ensure the maintenance of effective competition during joint exploitation of the results, provision should be made for the block exemption to cease to apply if the parties' combined share of the market for the products, services or technologies arising out of the joint research and development becomes too great. The exemption should continue to apply, irrespective of the parties' market shares, for a certain period after the commencement of joint exploitation, so as to await stabilisation of their market shares, particularly after the introduction of an entirely new product, and to guarantee a minimum period of return on the investments involved.
- (15) This Regulation should not exempt agreements containing restrictions which are not indispensable to the attainment of the positive effects generated by a research and development agreement. In principle, agreements containing certain types of severe restrictions of competition such as limitations on the freedom of parties to carry out research and development in a field unconnected to the agreement, the fixing of prices charged to third parties, limitations on output or sales, and limitations on effecting passive sales for the contract products or contract technologies in territories or to customers reserved for other parties should be excluded from the benefit of the exemption established by this Regulation irrespective of the market share of the parties. In this context, field of use restrictions do not constitute limitations of output or sales, and also do not constitute territorial or customer restrictions.
- (16) The market share limitation, the non-exemption of certain agreements and the conditions provided for in this Regulation normally ensure that the agreements to which the block exemption applies do not enable the parties to eliminate competition in respect of a substantial part of the products or services in question.

- (17) The possibility cannot be ruled out that anti-competitive foreclosure effects may arise where one party finances several research and development projects carried out by competitors with regard to the same contract products or contract technologies, in particular where it obtains the exclusive right to exploit the results vis-à-vis third parties. Therefore the benefit of this Regulation should be conferred on such paid-for research and development agreements only if the combined market share of all the parties involved in the connected agreements, that is to say, the financing party and all the parties carrying out the research and development, does not exceed 25 %.
- (18) Agreements between undertakings which are not competing manufacturers of products, technologies or processes capable of being improved, substituted or replaced by the results of the research and development will only eliminate effective competition in research and development in exceptional circumstances. It is therefore appropriate to enable such agreements to benefit from the exemption established by this Regulation irrespective of market share and to address any exceptional cases by way of withdrawal of its benefit.
- (19) The Commission may withdraw the benefit of this Regulation, pursuant to Article 29(1) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾, where it finds in a particular case that an agreement to which the exemption provided for in this Regulation applies nevertheless has effects which are incompatible with Article 101(3) of the Treaty.
- (20) The competition authority of a Member State may withdraw the benefit of this Regulation pursuant to Article 29(2) of Regulation (EC) No 1/2003 in respect of the territory of that Member State, or a part thereof where, in a particular case, an agreement to which the exemption established by this Regulation applies nevertheless has effects which are incompatible with Article 101(3) of the Treaty in the territory of that Member State, or in a part thereof, and where such territory has all the characteristics of a distinct geographic market.
- (21) The benefit of this Regulation could be withdrawn pursuant to Article 29 of Regulation (EC) No 1/2003, for example, where the existence of a research and development agreement substantially restricts the scope for third parties to carry out research and development in the relevant field because of the limited research capacity available elsewhere, where because of the particular structure of supply, the existence of the research and development agreement substantially restricts the access of third parties to the market for the contract products or contract technologies, where without any objectively valid reason, the parties do not exploit the results of the joint research and development vis-à-vis third parties, where the contract products or contract technologies are not subject in the whole or a substantial part of

the internal market to effective competition from products, technologies or processes considered by users as equivalent in view of their characteristics, price and intended use, or where the existence of the research and development agreement would restrict competition in innovation or eliminate effective competition in research and development on a particular market.

- (22) As research and development agreements are often of a long-term nature, especially where the cooperation extends to the exploitation of the results, the period of validity of this Regulation should be fixed at 12 years,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'research and development agreement' means an agreement entered into between two or more parties which relate to the conditions under which those parties pursue:
- (i) joint research and development of contract products or contract technologies and joint exploitation of the results of that research and development;
 - (ii) joint exploitation of the results of research and development of contract products or contract technologies jointly carried out pursuant to a prior agreement between the same parties;
 - (iii) joint research and development of contract products or contract technologies excluding joint exploitation of the results;
 - (iv) paid-for research and development of contract products or contract technologies and joint exploitation of the results of that research and development;
 - (v) joint exploitation of the results of paid-for research and development of contract products or contract technologies pursuant to a prior agreement between the same parties; or
 - (vi) paid-for research and development of contract products or contract technologies excluding joint exploitation of the results;
- (b) 'agreement' means an agreement, a decision by an association of undertakings or a concerted practice;

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

- (c) 'research and development' means the acquisition of know-how relating to products, technologies or processes and the carrying out of theoretical analysis, systematic study or experimentation, including experimental production, technical testing of products or processes, the establishment of the necessary facilities and the obtaining of intellectual property rights for the results;
 - (d) 'product' means a good or a service, including both intermediary goods or services and final goods or services;
 - (e) 'contract technology' means a technology or process arising out of the joint research and development;
 - (f) 'contract product' means a product arising out of the joint research and development or manufactured or provided applying the contract technologies;
 - (g) 'exploitation of the results' means the production or distribution of the contract products or the application of the contract technologies or the assignment or licensing of intellectual property rights or the communication of know-how required for such manufacture or application;
 - (h) 'intellectual property rights' means intellectual property rights, including industrial property rights, copyright and neighbouring rights;
 - (i) 'know-how' means a package of non-patented practical information, resulting from experience and testing, which is secret, substantial and identified;
 - (j) 'secret', in the context of know-how, means that the know-how is not generally known or easily accessible;
 - (k) 'substantial', in the context of know-how, means that the know-how is significant and useful for the manufacture of the contract products or the application of the contract technologies;
 - (l) 'identified', in the context of know-how, means that the know-how is described in a sufficiently comprehensive manner so as to make it possible to verify that it fulfils the criteria of secrecy and substantiality;
 - (m) 'joint', in the context of activities carried out under a research and development agreement, means activities where the work involved is:
 - (i) carried out by a joint team, organisation or undertaking;
 - (ii) jointly entrusted to a third party; or
 - (iii) allocated between the parties by way of specialisation in the context of research and development or exploitation;
 - (n) 'specialisation in the context of research and development' means that each of the parties is involved in the research and development activities covered by the research and development agreement and they divide the research and development work between them in any way that they consider most appropriate; this does not include paid-for research and development;
 - (o) 'specialisation in the context of exploitation' means that the parties allocate between them individual tasks such as production or distribution, or impose restrictions upon each other regarding the exploitation of the results such as restrictions in relation to certain territories, customers or fields of use; this includes a scenario where only one party produces and distributes the contract products on the basis of an exclusive licence granted by the other parties;
 - (p) 'paid-for research and development' means research and development that is carried out by one party and financed by a financing party;
 - (q) 'financing party' means a party financing paid-for research and development while not carrying out any of the research and development activities itself;
 - (r) 'competing undertaking' means an actual or potential competitor;
 - (s) 'actual competitor' means an undertaking that is supplying a product, technology or process capable of being improved, substituted or replaced by the contract product or the contract technology on the relevant geographic market;
 - (t) 'potential competitor' means an undertaking that, in the absence of the research and development agreement, would, on realistic grounds and not just as a mere theoretical possibility, in case of a small but permanent increase in relative prices be likely to undertake, within not more than 3 years, the necessary additional investments or other necessary switching costs to supply a product, technology or process capable of being improved, substituted or replaced by the contract product or contract technology on the relevant geographic market;
 - (u) 'relevant product market' means the relevant market for the products capable of being improved, substituted or replaced by the contract products;
 - (v) 'relevant technology market' means the relevant market for the technologies or processes capable of being improved, substituted or replaced by the contract technologies.
2. For the purposes of this Regulation, the terms 'undertaking' and 'party' shall include their respective connected undertakings.

‘Connected undertakings’ means:

- (a) undertakings in which a party to the research and development agreement, directly or indirectly:
 - (i) has the power to exercise more than half the voting rights;
 - (ii) has the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking; or
 - (iii) has the right to manage the undertaking's affairs;
- (b) undertakings which directly or indirectly have, over a party to the research and development agreement, the rights or powers listed in point (a);
- (c) undertakings in which an undertaking referred to in point (b) has, directly or indirectly, the rights or powers listed in point (a);
- (d) undertakings in which a party to the research and development agreement together with one or more of the undertakings referred to in points (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in point (a);
- (e) undertakings in which the rights or the powers listed in point (a) are jointly held by:
 - (i) parties to the research and development agreement or their respective connected undertakings referred to in points (a) to (d); or
 - (ii) one or more of the parties to the research and development agreement or one or more of their connected undertakings referred to in points (a) to (d) and one or more third parties.

Article 2

Exemption

1. Pursuant to Article 101(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 101(1) of the Treaty shall not apply to research and development agreements.

This exemption shall apply to the extent that such agreements contain restrictions of competition falling within the scope of Article 101(1) of the Treaty.

2. The exemption provided for in paragraph 1 shall apply to research and development agreements containing provisions which relate to the assignment or licensing of intellectual property rights to one or more of the parties or to an entity the parties establish to carry out the joint research and development, paid-for research and development or joint exploitation, provided that those provisions do not constitute the primary object of such agreements, but are directly related to and necessary for their implementation.

Article 3

Conditions for exemption

1. The exemption provided for in Article 2 shall apply subject to the conditions set out in paragraphs 2 to 5.

2. The research and development agreement must stipulate that all the parties have full access to the final results of the joint research and development or paid-for research and development, including any resulting intellectual property rights and know-how, for the purposes of further research and development and exploitation, as soon as they become available. Where the parties limit their rights of exploitation in accordance with this Regulation, in particular where they specialise in the context of exploitation, access to the results for the purposes of exploitation may be limited accordingly. Moreover, research institutes, academic bodies, or undertakings which supply research and development as a commercial service without normally being active in the exploitation of results may agree to confine their use of the results for the purposes of further research. The research and development agreement may foresee that the parties compensate each other for giving access to the results for the purposes of further research or exploitation, but the compensation must not be so high as to effectively impede such access.

3. Without prejudice to paragraph 2, where the research and development agreement provides only for joint research and development or paid-for research and development, the research and development agreement must stipulate that each party must be granted access to any pre-existing know-how of the other parties, if this know-how is indispensable for the purposes of its exploitation of the results. The research and development agreement may foresee that the parties compensate each other for giving access to their pre-existing know-how, but the compensation must not be so high as to effectively impede such access.

4. Any joint exploitation may only pertain to results which are protected by intellectual property rights or constitute know-how and which are indispensable for the manufacture of the contract products or the application of the contract technologies.

5. Parties charged with the manufacture of the contract products by way of specialisation in the context of exploitation must be required to fulfil orders for supplies of the contract products from the other parties, except where the research and development agreement also provides for joint distribution within the meaning of point (m)(i) or (ii) of Article 1(1) or where the parties have agreed that only the party manufacturing the contract products may distribute them.

Article 4

Market share threshold and duration of exemption

1. Where the parties are not competing undertakings, the exemption provided for in Article 2 shall apply for the duration of the research and development. Where the results are jointly exploited, the exemption shall continue to apply for 7 years from the time the contract products or contract technologies are first put on the market within the internal market.

2. Where two or more of the parties are competing undertakings, the exemption provided for in Article 2 shall apply for the period referred to in paragraph 1 of this Article only if, at the time the research and development agreement is entered into:

- (a) in the case of research and development agreements referred to in point (a)(i), (ii) or (iii) of Article 1(1), the combined market share of the parties to a research and development agreement does not exceed 25 % on the relevant product and technology markets; or
- (b) in the case of research and agreements referred to in point (a)(iv), (v) or (vi) of Article 1(1), the combined market share of the financing party and all the parties with which the financing party has entered into research and development agreements with regard to the same contract products or contract technologies, does not exceed 25 % on the relevant product and technology markets.

3. After the end of the period referred to in paragraph 1, the exemption shall continue to apply as long as the combined market share of the parties does not exceed 25 % on the relevant product and technology markets.

Article 5

Hardcore restrictions

The exemption provided for in Article 2 shall not apply to research and development agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object any of the following:

- (a) the restriction of the freedom of the parties to carry out research and development independently or in cooperation with third parties in a field unconnected with that to which the research and development agreement relates or, after the completion of the joint research and development or the paid-for research and development, in the field to which it relates or in a connected field;
- (b) the limitation of output or sales, with the exception of:
 - (i) the setting of production targets where the joint exploitation of the results includes the joint production of the contract products;
 - (ii) the setting of sales targets where the joint exploitation of the results includes the joint distribution of the contract products or the joint licensing of the contract technologies within the meaning of point (m)(i) or (ii) of Article 1(1);
 - (iii) practices constituting specialisation in the context of exploitation; and
 - (iv) the restriction of the freedom of the parties to manufacture, sell, assign or license products, technologies or processes which compete with the contract products or contract technologies during the period for which the parties have agreed to jointly exploit the results;

- (c) the fixing of prices when selling the contract product or licensing the contract technologies to third parties, with the exception of the fixing of prices charged to immediate customers or the fixing of licence fees charged to immediate licensees where the joint exploitation of the results includes the joint distribution of the contract products or the joint licensing of the contract technologies within the meaning of point (m)(i) or (ii) of Article 1(1);
- (d) the restriction of the territory in which, or of the customers to whom, the parties may passively sell the contract products or license the contract technologies, with the exception of the requirement to exclusively license the results to another party;
- (e) the requirement not to make any, or to limit, active sales of the contract products or contract technologies in territories or to customers which have not been exclusively allocated to one of the parties by way of specialisation in the context of exploitation;
- (f) the requirement to refuse to meet demand from customers in the parties' respective territories, or from customers otherwise allocated between the parties by way of specialisation in the context of exploitation, who would market the contract products in other territories within the internal market;
- (g) the requirement to make it difficult for users or resellers to obtain the contract products from other resellers within the internal market.

Article 6

Excluded restrictions

The exemption provided for in Article 2 shall not apply to the following obligations contained in research and development agreements:

- (a) the obligation not to challenge after completion of the research and development the validity of intellectual property rights which the parties hold in the internal market and which are relevant to the research and development or, after the expiry of the research and development agreement, the validity of intellectual property rights which the parties hold in the internal market and which protect the results of the research and development, without prejudice to the possibility to provide for termination of the research and development agreement in the event of one of the parties challenging the validity of such intellectual property rights;
- (b) the obligation not to grant licences to third parties to manufacture the contract products or to apply the contract technologies unless the agreement provides for the exploitation of the results of the joint research and development or paid-for research and development by at least one of the parties and such exploitation takes place in the internal market vis-à-vis third parties.

*Article 7***Application of the market share threshold**

For the purposes of applying the market share threshold provided for in Article 4 the following rules shall apply:

- (a) the market share shall be calculated on the basis of the market sales value; if market sales value data are not available, estimates based on other reliable market information, including market sales volumes, may be used to establish the market share of the parties;
- (b) the market share shall be calculated on the basis of data relating to the preceding calendar year;
- (c) the market share held by the undertakings referred to in point (e) of the second subparagraph of Article 1(2) shall be apportioned equally to each undertaking having the rights or the powers listed in point (a) of that subparagraph;
- (d) if the market share referred to in Article 4(3) is initially not more than 25 % but subsequently rises above that level without exceeding 30 %, the exemption provided for in Article 2 shall continue to apply for a period of two consecutive calendar years following the year in which the 25 % threshold was first exceeded;

(e) if the market share referred to in Article 4(3) is initially not more than 25 % but subsequently rises above 30 %, the exemption provided for in Article 2 shall continue to apply for a period of one calendar year following the year in which the level of 30 % was first exceeded;

(f) the benefit of points (d) and (e) may not be combined so as to exceed a period of two calendar years.

*Article 8***Transitional period**

The prohibition laid down in Article 101(1) of the Treaty shall not apply during the period from 1 January 2011 to 31 December 2012 in respect of agreements already in force on 31 December 2010 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption provided for in Regulation (EC) No 2659/2000.

*Article 9***Period of validity**

This Regulation shall enter into force on 1 January 2011.

It shall expire on 31 December 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1218/2010**of 14 December 2010****on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EEC) No 2821/71 of the Council of 20 December 1971 on application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices ⁽¹⁾,

Having published a draft of this Regulation,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas:

(1) Regulation (EEC) No 2821/71 empowers the Commission to apply Article 101(3) of the Treaty on the Functioning of the European Union (*) by regulation to certain categories of agreements, decisions and concerted practices falling within the scope of Article 101(1) of the Treaty which have as their object specialisation, including agreements necessary for achieving it.

(2) Commission Regulation (EC) No 2658/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of specialisation agreements ⁽²⁾ defines categories of specialisation agreements which the Commission regarded as normally satisfying the conditions laid down in Article 101(3) of the Treaty. In view of the overall positive experience with the application of that Regulation, which expires on 31 December 2010, and taking into account further experience acquired since its adoption, it is appropriate to adopt a new block exemption regulation.

(3) This Regulation should meet the two requirements of ensuring effective protection of competition and providing adequate legal security for undertakings. The pursuit of those objectives should take account of the need to simplify administrative supervision and the legislative framework to as great an extent as possible. Below a certain level of market power it can in general be presumed, for the application of Article 101(3) of the Treaty, that the positive effects of specialisation agreements will outweigh any negative effects on competition.

(4) For the application of Article 101(3) of the Treaty by regulation, it is not necessary to define those agreements which are capable of falling within Article 101(1) of the Treaty. In the individual assessment of agreements under Article 101(1) of the Treaty, account has to be taken of several factors, and in particular the market structure on the relevant market.

(5) The benefit of the exemption established by this Regulation should be limited to those agreements for which it can be assumed with sufficient certainty that they satisfy the conditions of Article 101(3) of the Treaty.

(6) Agreements on specialisation in production are most likely to contribute to improving the production or distribution of goods if the parties have complementary skills, assets or activities, because they can concentrate on the manufacture of certain products and thus operate more efficiently and supply the products more cheaply. The same can generally be said about agreements on specialisation in the preparation of services. Given effective competition, it is likely that consumers will receive a fair share of the resulting benefits.

(7) Such advantages can arise from agreements whereby one party fully or partly gives up the manufacture of certain products or preparation of certain services in favour of another party (unilateral specialisation), from agreements whereby each party fully or partly gives up the manufacture of certain products or preparation of certain services in favour of another party (reciprocal specialisation) and from agreements whereby the parties

⁽¹⁾ OJ L 285, 29.12.1971, p. 46.

⁽²⁾ OJ L 304, 5.12.2000, p. 3.

(*) With effect from 1 December 2009, Article 81 of the EC Treaty has become Article 101 of the Treaty on the Functioning of the European Union (TFEU). The two Articles are, in substance, identical. For the purposes of this Regulation, references to Article 101 of the TFEU should be understood as references to Article 81 of the EC Treaty where appropriate. The TFEU also introduced certain changes in terminology, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this Regulation.

undertake to jointly manufacture certain products or prepare certain services (joint production). In the context of this Regulation, the concepts of unilateral and reciprocal specialisation do not require a party to reduce capacity, as it is sufficient if they reduce their production volumes. The concept of joint production, however, does not require the parties to reduce their individual production activities outside the scope of their envisaged joint production arrangement.

- (8) The nature of unilateral and reciprocal specialisation agreements presupposes that the parties are active on the same product market. It is not necessary for the parties to be active on the same geographic market. Consequently, the application of this Regulation to unilateral and reciprocal specialisation agreements should be limited to scenarios where the parties are active on the same product market. Joint production agreements can be entered into by parties who are already active on the same product market but also by parties who wish to enter a product market by way of the agreement. Therefore, joint production agreements should fall within the scope of this Regulation irrespective of whether the parties are already active in the same product market.
- (9) To ensure that the benefits of specialisation will materialise without one party leaving the market downstream of production entirely, unilateral and reciprocal specialisation agreements should only be covered by this Regulation where they provide for supply and purchase obligations or joint distribution. Supply and purchase obligations may, but do not have to, be of an exclusive nature.
- (10) It can be presumed that, where the parties' share of the relevant market for the products which are the subject matter of a specialisation agreement does not exceed a certain level, the agreements will, as a general rule, give rise to economic benefits in the form of economies of scale or scope or better production technologies, while allowing consumers a fair share of the resulting benefits. However, where the products manufactured under a specialisation agreement are intermediary products which one or more of the parties fully or partly use as an input for their own production of certain downstream products which they subsequently sell on the market, the exemption conferred by this Regulation should also be conditional on the parties' share on the relevant market for these downstream products not exceeding a certain level. In such a case, merely looking at the parties' market share at the level of the intermediary product would ignore the potential risk of foreclosing or increasing the price of inputs for competitors at the level of the downstream products. However, there is no presumption that specialisation agreements are either caught by Article 101(1) of the Treaty or that they fail to satisfy the conditions of Article 101(3) of the Treaty once the market share threshold set out in this Regulation is

exceeded or other conditions of this Regulation are not met. In such cases, an individual assessment of the specialisation agreement needs to be conducted under Article 101 of the Treaty.

- (11) This Regulation should not exempt agreements containing restrictions which are not indispensable to the attainment of the positive effects generated by a specialisation agreement. In principle, agreements containing certain types of severe restrictions of competition relating to the fixing of prices charged to third parties, limitation of output or sales, and allocation of markets or customers should be excluded from the benefit of the exemption established by this Regulation irrespective of the market share of the parties.
- (12) The market share limitation, the non-exemption of certain agreements and the conditions provided for in this Regulation normally ensure that the agreements to which the block exemption applies do not enable the parties to eliminate competition in respect of a substantial part of the products or services in question.
- (13) The Commission may withdraw the benefit of this Regulation, pursuant to Article 29(1) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty⁽¹⁾, where it finds in a particular case that an agreement to which the exemption provided for in this Regulation applies nevertheless has effects which are incompatible with Article 101(3) of the Treaty.
- (14) The competition authority of a Member State may withdraw the benefit of this Regulation pursuant to Article 29(2) of Regulation (EC) No 1/2003 in respect of the territory of that Member State, or a part thereof where, in a particular case, an agreement to which the exemption established by this Regulation applies nevertheless has effects which are incompatible with Article 101(3) of the Treaty in the territory of that Member State, or in a part thereof, and where such territory has all the characteristics of a distinct geographic market.
- (15) The benefit of this Regulation could be withdrawn pursuant to Article 29 of Regulation (EC) No 1/2003 where, for example, the relevant market is very concentrated and competition is already weak, in particular because of the individual market positions of other market participants or links between other market participants created by parallel specialisation agreements.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

- (16) In order to facilitate the conclusion of specialisation agreements, which can have a bearing on the structure of the parties, the period of validity of this Regulation should be fixed at 12 years,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'specialisation agreement' means a unilateral specialisation agreement, a reciprocal specialisation agreement or a joint production agreement;
 - (b) 'unilateral specialisation agreement' means an agreement between two parties which are active on the same product market by virtue of which one party agrees to fully or partly cease production of certain products or to refrain from producing those products and to purchase them from the other party, who agrees to produce and supply those products;
 - (c) 'reciprocal specialisation agreement' means an agreement between two or more parties which are active on the same product market, by virtue of which two or more parties on a reciprocal basis agree to fully or partly cease or refrain from producing certain but different products and to purchase these products from the other parties, who agree to produce and supply them;
 - (d) 'joint production agreement' means an agreement by virtue of which two or more parties agree to produce certain products jointly;
 - (e) 'agreement' means an agreement, a decision by an association of undertakings or a concerted practice;
 - (f) 'product' means a good or a service, including both intermediary goods or services and final goods or services, with the exception of distribution and rental services;
 - (g) 'production' means the manufacture of goods or the preparation of services and includes production by way of subcontracting;
 - (h) 'preparation of services' means activities upstream of the provision of services to customers;
 - (i) 'relevant market' means the relevant product and geographic market to which the specialisation products belong, and, in addition, where the specialisation products are intermediary products which one or more of the parties fully or partly use captively for the production of downstream products, the relevant product and geographic market to which the downstream products belong;
 - (j) 'specialisation product' means a product which is produced under a specialisation agreement;
 - (k) 'downstream product' means a product for which a specialisation product is used by one or more of the parties as an input and which is sold by those parties on the market;
 - (l) 'competing undertaking' means an actual or potential competitor;
 - (m) 'actual competitor' means an undertaking that is active on the same relevant market;
 - (n) 'potential competitor' means an undertaking that, in the absence of the specialisation agreement, would, on realistic grounds and not just as a mere theoretical possibility, in case of a small but permanent increase in relative prices be likely to undertake, within not more than 3 years, the necessary additional investments or other necessary switching costs to enter the relevant market;
 - (o) 'exclusive supply obligation' means an obligation not to supply a competing undertaking other than a party to the agreement with the specialisation product;
 - (p) 'exclusive purchase obligation' means an obligation to purchase the specialisation product only from a party to the agreement;
 - (q) 'joint', in the context of distribution, means that the parties:
 - (i) carry out the distribution of the products by way of a joint team, organisation or undertaking; or
 - (ii) appoint a third party distributor on an exclusive or non-exclusive basis, provided that the third party is not a competing undertaking;
 - (r) 'distribution' means distribution, including the sale of goods and the provision of services.
2. For the purposes of this Regulation, the terms 'undertaking' and 'party' shall include their respective connected undertakings.

‘Connected undertakings’ means:

- (a) undertakings in which a party to the specialisation agreement, directly or indirectly:
 - (i) has the power to exercise more than half the voting rights;
 - (ii) has the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking; or
 - (iii) has the right to manage the undertaking’s affairs;
- (b) undertakings which directly or indirectly have, over a party to the specialisation agreement, the rights or powers listed in point (a);
- (c) undertakings in which an undertaking referred to in point (b) has, directly or indirectly, the rights or powers listed in point (a);
- (d) undertakings in which a party to the specialisation agreement together with one or more of the undertakings referred to in points (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in point (a);
- (e) undertakings in which the rights or the powers listed in point (a) are jointly held by:
 - (i) parties to the specialisation agreement or their respective connected undertakings referred to in points (a) to (d); or
 - (ii) one or more of the parties to the specialisation agreement or one or more of their connected undertakings referred to in points (a) to (d) and one or more third parties.

Article 2

Exemption

1. Pursuant to Article 101(3) of the Treaty and subject to the provisions of this Regulation, it is hereby declared that Article 101(1) of the Treaty shall not apply to specialisation agreements.

This exemption shall apply to the extent that such agreements contain restrictions of competition falling within the scope of Article 101(1) of the Treaty.

2. The exemption provided for in paragraph 1 shall apply to specialisation agreements containing provisions which relate to the assignment or licensing of intellectual property rights to one or more of the parties, provided that those provisions do not

constitute the primary object of such agreements, but are directly related to and necessary for their implementation.

3. The exemption provided for in paragraph 1 shall apply to specialisation agreements whereby:

- (a) the parties accept an exclusive purchase or exclusive supply obligation; or
- (b) the parties do not independently sell the specialisation products but jointly distribute those products.

Article 3

Market share threshold

The exemption provided for in Article 2 shall apply on condition that the combined market share of the parties does not exceed 20 % on any relevant market.

Article 4

Hardcore restrictions

The exemption provided for in Article 2 shall not apply to specialisation agreements which, directly or indirectly, in isolation or in combination with other factors under the control of the parties, have as their object any of the following:

- (a) the fixing of prices when selling the products to third parties with the exception of the fixing of prices charged to immediate customers in the context of joint distribution;
- (b) the limitation of output or sales with the exception of:
 - (i) provisions on the agreed amount of products in the context of unilateral or reciprocal specialisation agreements or the setting of the capacity and production volume in the context of a joint production agreement; and
 - (ii) the setting of sales targets in the context of joint distribution;
- (c) the allocation of markets or customers.

Article 5

Application of the market share threshold

For the purposes of applying the market share threshold provided for in Article 3 the following rules shall apply:

- (a) the market share shall be calculated on the basis of the market sales value; if market sales value data are not available, estimates based on other reliable market information, including market sales volumes, may be used to establish the market share of the parties;

(b) the market share shall be calculated on the basis of data relating to the preceding calendar year;

(c) the market share held by the undertakings referred to in point (e) of the second subparagraph of Article 1(2) shall be apportioned equally to each undertaking having the rights or the powers listed in point (a) of that subparagraph;

(d) if the market share referred to in Article 3 is initially not more than 20 % but subsequently rises above that level without exceeding 25 %, the exemption provided for in Article 2 shall continue to apply for a period of 2 consecutive calendar years following the year in which the 20 % threshold was first exceeded;

(e) if the market share referred to in Article 3 is initially not more than 20 % but subsequently rises above 25 %, the exemption provided for in Article 2 shall continue to apply for a period of 1 calendar year following the year in which the level of 25 % was first exceeded;

(f) the benefit of points (d) and (e) may not be combined so as to exceed a period of 2 calendar years.

Article 6

Transitional period

The prohibition laid down in Article 101(1) of the Treaty shall not apply during the period from 1 January 2011 to 31 December 2012 in respect of agreements already in force on 31 December 2010 which do not satisfy the conditions for exemption provided for in this Regulation but which satisfy the conditions for exemption provided for in Regulation (EC) No 2658/2000.

Article 7

Period of validity

This Regulation shall enter into force on 1 January 2011.

It shall expire on 31 December 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 December 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1219/2010**of 17 December 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	78,3
	EG	88,4
	MA	50,0
	TR	109,6
	ZZ	81,6
0707 00 05	EG	140,2
	JO	158,2
	TR	88,4
	ZZ	128,9
0709 90 70	MA	84,2
	TR	138,3
	ZZ	111,3
0805 10 20	AR	43,0
	BR	41,5
	CL	87,1
	MA	64,5
	PE	58,9
	SZ	46,6
	TR	56,0
	UY	48,0
	ZA	44,7
	ZZ	54,5
0805 20 10	MA	65,4
	ZZ	65,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,3
	IL	72,7
	TR	71,4
	ZZ	68,1
0805 50 10	AR	49,2
	TR	56,7
	UY	49,2
	ZZ	51,7
0808 10 80	AR	74,9
	AU	205,3
	CA	87,8
	CL	84,2
	CN	83,7
	MK	29,3
	NZ	74,9
	US	95,2
	ZA	124,0
	ZZ	95,5
0808 20 50	CN	49,5
	US	135,7
	ZZ	92,6

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 1220/2010**of 17 December 2010****on selling prices for cereals in response to the third individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(f), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1017/2010 ⁽²⁾ has opened the sales of cereals by tendering procedures, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾.
- (2) In accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.
- (3) On the basis of the tenders received for the third individual invitations to tender, it has been decided that a

minimum selling price should be fixed for certain cereals and for certain Member States and no minimum selling price should be fixed for other cereals and other Member States.

- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the third individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 15 December 2010, the decisions on the selling price per cereal and Member State are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 41.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	222,18	175,10	X
Danmark	X	—	X
Deutschland	X	185	X
Eesti	X	175	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	—	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	174,50	X
Luxembourg	X	X	X
Magyarország	X	175,50	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	X	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	175,21	X
Suomi/Finland	X	175,20	X
Sverige	X	184,50	X
United Kingdom	X	199,42	X

(—) no minimum selling price fixed (all offers rejected)

(°) no offers

(X) no cereals available for sales

#) not applicable

COMMISSION REGULATION (EU) No 1221/2010**of 17 December 2010****on the issue of import licences for applications lodged during the first seven days of December 2010 under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

Whereas:

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

(1) Regulation (EC) No 533/2007 opened tariff quotas for imports of poultrymeat products.

(2) The applications for import licences lodged during the first seven days of December 2010 for the subperiod from 1 January to 31 March 2011 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2011 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 December 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2011-31.3.2011 (%)
P1	09.4067	2,311405
P3	09.4069	0,45498

COMMISSION REGULATION (EU) No 1222/2010**of 17 December 2010****on the issue of import licences for applications lodged during the first seven days of December 2010 under the tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector and for egg albumin**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,Having regard to Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 539/2007 opened tariff quotas for imports of egg products and egg albumin.
- (2) The applications for import licences lodged during the first seven days of December 2010 for the subperiod from 1 January to 31 March 2011 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 539/2007 for the subperiod from 1 January to 31 March 2011 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2011-31.3.2011 (%)
E2	09.4401	29,413481

COMMISSION REGULATION (EU) No 1223/2010**of 17 December 2010****on the issue of import licences for applications lodged during the first seven days of December 2010 under the tariff quota opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged during the first seven days of December 2010 for the subperiod from 1 January to 31 March 2011 relate to quantities exceeding those available for licences under the quota with order number 09.4092. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 1384/2007 for the subperiod from 1 January to 31 March 2011 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 40.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2011-31.3.2011 (%)
IL1	09.4092	91,737227

COMMISSION REGULATION (EU) No 1224/2010**of 17 December 2010****on the issue of import licences for applications lodged during the first seven days of December 2010 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

The applications for import licences lodged during the first seven days of December 2010 for the subperiod from 1 January to 31 March 2011 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged for the subperiod from 1 January to 31 March 2011 under Regulation (EC) No 1385/2007 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 December 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 December 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2011-31.3.2011 (%)
1	09.4410	0,412031
3	09.4412	0,426075
4	09.4420	0,541711
6	09.4422	0,558347

DECISIONS

COUNCIL DECISION 2010/784/CFSP

of 17 December 2010

on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

Having regard to the Treaty on European Union, and in particular Articles 28 and 43(2) thereof,

Mission statement

The aim of EUPOL COPPS is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the Union's institution building programmes as well as other international efforts in the wider context of the Security Sector including Criminal Justice Reform.

Whereas:

To this end EUPOL COPPS shall:

- (1) On 14 November 2005, the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories ⁽¹⁾ (EUPOL COPPS) for a period of 3 years. The operational phase of EUPOL COPPS began on 1 January 2006.
- (2) The Mission was last extended by Council Decision 2009/955/CFSP ⁽²⁾ and will expire on 31 December 2010.
- (3) On 17 November 2010 the Political and Security Committee (PSC) recommended to extend the Mission for an additional period of 12 months until 31 December 2011.
- (4) The command and control structure of the Mission should be without prejudice to the contractual responsibilities of the Head of Mission towards the European Commission for implementing the budget of the Mission.
- (5) The watch-keeping capability should be activated for the Mission.
- (6) The Mission will be conducted in the context of a situation which may deteriorate and could harm the objectives of the common foreign and security policy as set out in Article 21 of the Treaty,

- (a) assist the Palestinian Civil Police (PCP) in implementation of the Police Development Programme by advising and closely mentoring PCP, and specifically senior officials at District, Headquarters and Ministerial level;
- (b) coordinate and facilitate Union and Member State assistance, and where requested, international assistance to PCP;
- (c) advise on police-related Criminal Justice elements;
- (d) have a project cell for identifying and implementing projects. The Mission shall, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility, in areas related to the Mission and in support of its objectives.

Article 3

Review

A 6-monthly review process, in accordance with the assessment criteria set out in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN) and taking into account developments on the ground, will enable adjustments to be made to the EUPOL COPPS size and scope as necessary.

HAS ADOPTED THIS DECISION:

Article 1

Mission

1. The European Union Police Mission for the Palestinian Territories, hereinafter referred to as the European Union Coordinating Office for Palestinian Police Support (EUPOL COPPS), established by Joint Action 2005/797/CFSP, shall be continued as from 1 January 2011.

2. EUPOL COPPS shall operate in accordance with the mission statement as set out in Article 2.

Article 4

Structure

In achieving its mission, EUPOL COPPS shall consist of the following elements:

1. Head of Mission/Police Commissioner;
2. Advisory Section;
3. Programme Coordination Section;

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

⁽²⁾ OJ L 330, 16.12.2009, p. 76.

4. Administration Section;

5. Rule of Law Section.

These elements shall be developed in the CONOPS and the OPLAN. The Council shall approve the CONOPS and the OPLAN.

Article 5

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUPOL COPPS.

2. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the High Representative of the Union for Foreign Affairs and Security Policy (HR), shall exercise command and control of EUPOL COPPS at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission and providing him with advice and technical support.

4. All seconded staff shall remain under the full command of the national authorities of the seconding State or Union institution concerned. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the Union's duty of care is properly discharged.

6. The Civilian Operation Commander and the European Union Special Representative (EUSR) shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the Mission at theatre level.

2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the Mission.

3. The Head of Mission shall issue instructions to all Mission staff, for the effective conduct of EUPOL COPPS in theatre, assuming its coordination and day-to-day management, following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national authorities or Union institution concerned.

6. The Head of Mission shall represent EUPOL COPPS in the operations area and shall ensure appropriate visibility of the Mission.

7. The Head of Mission shall coordinate, as appropriate, with other Union actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.

Article 7

EUPOL COPPS Staff

1. The numbers and competence of EUPOL COPPS staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 4.

2. EUPOL COPPS staff shall consist primarily of staff seconded by Member States or Union institutions. Each Member State or Union institution shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, travel expenses to and from the Mission area, and allowances other than applicable daily allowances, as well as hardship and risk allowances.

3. Nationals of Member States shall be recruited on a contractual basis by EUPOL COPPS as required, if the functions required are not provided by personnel seconded by Member States.

4. EUPOL COPPS shall also recruit local staff as required.

5. Third States may also, as appropriate, second Mission staff. Each seconding third State shall bear the costs related to any of the staff seconded by it, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the Mission area.

6. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾.

Article 8

Status of EUPOL COPPS staff

1. Where required, the status of EUPOL COPPS staff, including, where appropriate, the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL COPPS shall be the subject of an agreement to be concluded in accordance with the procedure laid down in Article 37 of the Treaty.

2. The Member State or Union institution having seconded a staff member shall be responsible for answering any claims,

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

from or concerning the staff member, linked to the secondment. The Member State or Union institution in question shall be responsible for bringing any action against the seconded person.

3. The conditions of employment and the rights and obligations of international and local staff shall be laid down in the contracts between the Head of Mission/Police Commissioner and the staff member.

Article 9

Chain of Command

1. EUPOL COPPS shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council and the HR, the PSC shall exercise political control and strategic direction of EUPOL COPPS.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the HR, shall be the commander of EUPOL COPPS at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the HR.

5. The Head of Mission shall exercise command and control of EUPOL COPPS at theatre level and shall be directly responsible to the Civilian Operation Commander.

Article 10

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council and the HR, political control and strategic direction of the Mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with the third paragraph of Article 38 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission, upon proposal of the HR, and to amend the CONOPS and the OPLAN. It shall also include powers to take subsequent decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the Mission shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 11

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUPOL COPPS provided that they bear the cost of the staff seconded by them, including salaries, medical coverage, allowances, high-risk insurance and travel expenses to and from the Mission area, and contribute to the running costs of EUPOL COPPS, as appropriate.

2. Third States making contributions to EUPOL COPPS shall have the same rights and obligations in terms of day-to-day management of the Mission as Member States.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be the subject of an agreement to be concluded in accordance with Article 37 of the Treaty and additional technical arrangements as necessary. Where the Union and a third State conclude an agreement establishing a framework for the participation of this third State in the Union crisis management operations, the provisions of such an agreement shall apply in the context of EUPOL COPPS.

Article 12

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPOL COPPS in accordance with Articles 5 and 10, in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the Union on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty and its supporting instruments.

3. The Head of Mission shall be assisted by a Mission Security Officer (MSO), who will report to the Head of Mission and also maintain a close functional relationship with the Council Security Office.

4. EUPOL COPPS staff shall undergo mandatory security training before their entry into function, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the MSO.

Article 13

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to EUPOL COPPS for the period from 1 January 2011 until 31 December 2011 shall be EUR 8 250 000.

2. All expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. Nationals of participating third States and of neighbouring countries shall be allowed to tender for contracts. Subject to the Commission's approval, the Head of Mission may conclude technical arrangements with Member States, participating third States, and other international actors regarding the provision of equipment, services and premises to EUPOL COPPS.

4. The Head of Mission/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of EUPOL COPPS, including compatibility of equipment and interoperability of its teams.

6. Expenditure shall be eligible as of the date of entry into force of this Decision.

Article 14

Release of classified information

1. The HR is authorised to release to third States associated with this Decision, as appropriate and in accordance with the operational needs of the Mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations.

2. In the event of a specific and immediate operational need, the HR is also authorised to release to the local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the Mission, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the local authorities in accordance with the procedures appropriate to their level of cooperation with the Union.

3. The HR is authorised to release to third States associated with this Decision and to the local authorities EU non-classified documents related to the deliberations of the Council with regard to the Mission covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 15

Watch-keeping

The Watch-Keeping Capability shall be activated for EUPOL COPPS.

Article 16

Entry into force

This Decision shall enter into force on the date of its adoption.

It shall expire on 31 December 2011.

Done at Brussels, 17 December 2010.

For the Council

The President

S. VANACKERE

⁽¹⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

COMMISSION DECISION

of 17 December 2010

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of pyriofenone in Annex I to Council Directive 91/414/EEC

*(notified under document C(2010) 9076)***(Text with EEA relevance)***(2010/785/EU)*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a European Union list of active substances authorised for incorporation in plant protection products.
- (2) The dossier for the active substance pyriofenone was submitted by ISK Biosciences Europe SA to the authorities of the United Kingdom on 31 March 2010 with the application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The authorities of the United Kingdom have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appears to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appears also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the applicant to the Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.
- (4) By this Decision it should be formally confirmed at European Union level that the dossier is considered as satisfying in principle the data and information requirements set out in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of that substance in Annex I to Directive 91/414/EEC, satisfies in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member State shall pursue the detailed examination for the dossier referred to in Article 1 and shall communicate to the Commission the conclusions of its examination accompanied by any recommendations on the inclusion or non-inclusion in Annex I to Directive 91/414/EEC of the active substance referred to in Article 1 and any conditions for that inclusion as soon as possible and by 31 December 2011 at the latest.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 December 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

ANNEX

ACTIVE SUBSTANCE CONCERNED BY THIS DECISION

Common name, CIPAC identification number	Applicant	Date of application	Rapporteur Member State
Pyriofenone CIPAC-No: 827	ISK Biosciences SA	31 March 2010	UK

COMMISSION DECISION

of 17 December 2010

granting derogations for implementing Regulation (EC) No 452/2008 of the European Parliament and of the Council concerning the production and development of statistics on education and lifelong learning with regard to Belgium, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Hungary, Malta, Poland, Portugal, Finland and the United Kingdom

(notified under document C(2010) 9126)

(Only the Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Maltese, Polish, Portuguese and Spanish texts are authentic)

(2010/786/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 452/2008 of the European Parliament and of the Council of 23 April 2008 concerning the production and development of statistics on education and lifelong learning ⁽¹⁾, and in particular Article 6(3) thereof,

Having regard to the requests made by the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Portuguese Republic, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland,

Whereas:

- (1) In accordance with Article 3 of Regulation (EC) No 452/2008, it applies to the production of statistics in three specific domains.
- (2) Article 6(3) of Regulation (EC) No 452/2008 provides for, if necessary, limited derogations and transition periods for one or more Member States, both to be based upon objective grounds.
- (3) It emerges from the information provided to the Commission that the Member States' requests for derogations are due to the need for major adaptations to national statistical systems in order to comply in full with Regulation (EC) No 452/2008.

- (4) Such derogations should be therefore granted as requested to Belgium, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Hungary, Malta, Poland, Portugal, Finland and the United Kingdom.

- (5) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS DECISION:

Article 1

Derogations are hereby granted to the Member States as set out in the Annex.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Portuguese Republic, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 17 December 2010.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 145, 4.6.2008, p. 227.

ANNEX

**Derogations from Regulation (EC) No 452/2008, as implemented by the Commission, concerning Domain 1:
Education and training systems**

Member State	Tables and breakdowns	End of derogation
Belgium	Personnel data shall be transmitted annually to the Commission (Eurostat) by 30 November in year $t + 2$ (tables PERS_ENRL2 and PERS1)	31 December 2013
	Graduates/graduations data shall be transmitted annually to the Commission (Eurostat) by 31 December in year $t + 2$ (tables GRAD2, GRAD4 and GRAD5)	31 December 2013
	Education expenditure data shall be transmitted annually to the Commission (Eurostat) by 31 December in year $t + 2$ (tables FIN_ENRL2, FINANCE1 and FINANCE2))	31 December 2013
	— Number of students in full-time, part-time and full-time equivalents in private institutions (rows C1, C2, C3, C4) in table ENRL1a	31 December 2013
	— Number of new entrants in ISCED level 5B (column 4) in table ENTR2	31 December 2012
	— Number of new entrants in ISCED level 6 (column 5) in table ENTR2	31 December 2013
	— Number of new entrants in ISCED level 5B (column 3) in table ENTR3	31 December 2012
	— Number of new entrants in ISCED level 6 (column 4) in table ENTR3	31 December 2013
	— Number of first-time graduates for ISCED levels 3 and 4 (columns 9, 10, 11, 19) in table GRAD2	31 December 2012
	— Number of first-time graduates for ISCED level 5A (columns 19, 20, 21, 22) in table GRAD4	31 December 2013
	— Number of first-time graduates for ISCED level 5B (column 23) in table GRAD4	31 December 2013
	— Number of students with coverage adjusted to statistics on education personnel in private institutions (rows C1, C2, C3) in table PERS_ENRL2	31 December 2013
	— Number of classroom teachers and academic personnel in private institutions (rows A50, A51, A52, A53) in table PERS1	31 December 2013
	— Number of classroom teachers at ISCED levels 3 and 4 general and vocational programmes (columns 7, 8, 12 and 13) in table PERS1	31 December 2013
	— Number of classroom teachers in vocational school-based and vocational school and work-based programmes (columns 9, 10, 14 and 15) in table PERS1	31 December 2013
	— Number of students with coverage adjusted to statistics on educational finance in private institutions (rows C1, C2, C3) in table FIN_ENRL2	31 December 2013
	— Education expenditure by ISCED levels 2, 3 and 4 (columns 3, 6 and 10) in table FINANCE1	31 December 2013

Member State	Tables and breakdowns	End of derogation
	— Education expenditure regarding intergovernmental transfers for education (rows C7 and C8) in table FINANCE1	31 December 2013
	— Education expenditure of other private entities to public institutions (row E1) in table FINANCE1	31 December 2013
	— Education expenditure by ISCED levels 2, 3 and 4 (columns 3, 6 and 10) in table FINANCE2	31 December 2012
	— Expenditure in all private institutions (rows W6, W13, W14, W15, W20, W21, W22, W30, W40) in table FINANCE2	31 December 2013
	— Number of students by age, sex and region, table REGIO2	31 December 2013
Germany	Education expenditure data shall be transmitted annually to the Commission (Eurostat) by 31 March in year $t + 3$	31 December 2013
	— Students enrolled in ISCED level 6 for tables ENRL1, ENRL1a, ENRL5, ENRL8, FIN_ENRL2, REGIO1, REGIO2	31 December 2013
	— Entrants in ISCED level 6 for tables ENTR2, ENTR3	31 December 2013
	— Number of students by modern foreign languages studied total (row A1) for table ENRLNG2	31 December 2013
Estonia	— Expenditure of other private entities to educational institutions in table FINANCE1 rows E10, E11	31 December 2013
	— Expenditure in public institutions in table FINANCE2 rows A2, A13, A14, A15, A20, A21, A22, A40	31 December 2013
	— Expenditure in all private institutions in table FINANCE2 rows W6, W13, W14, W15, W20, W21, W22, W30, W40	31 December 2013
Ireland	— Number of classroom teachers at ISCED levels 2 and 3 (columns 5, 6, 7, 8, 9, 10) in table PERS1	31 December 2013
	— Number of academic staff at ISCED levels 5B and, 5A and 6 (columns 17 and 18) in table PERS1	31 December 2013
	— Expenditure of households to educational institutions in table FINANCE1 rows H1, H4, H5, H18, H20	31 December 2013
	— Expenditure of other private entities to educational institutions in table FINANCE1 rows E1, E4, E5, E10, E11, E12, E20	31 December 2013
	— Expenditure in all private institutions in table FINANCE2 rows W6, W13, W14, W15, W30, W40	31 December 2013
	— Number of students enrolled in private institutions for tables ENRL1, ENRL1_adult, ENRL1a (rows C1-C4), ENRL5, ENRL8, REGIO1, ENRLNG1 and ENRLNG2	31 December 2013
	— Number of new entrants in private educational institutions for tables ENTR2, ENTR3.	31 December 2013

Member State	Tables and breakdowns	End of derogation
	— Number of students enrolled in private educational institutions (rows C1, C2, C3) in table PERS_ENRL2	31 December 2013
	— Number of classroom teachers and academic personnel in private institutions (rows A50, A51, A52, A53) in table PERS1	31 December 2013
Greece	— Number of new entrants at ISCED level 6 in table ENTR3	31 December 2013
	— Number of graduations by field of education at ISCED levels 3 and 4 (columns 1 and 2) in table GRAD5	31 December 2013
	— Classroom teachers and academic staff by age at ISCED levels 2, 3, 4, 5 and 6 in table PERS1	31 December 2013
	— Table FIN_ENRL2	31 December 2013
	— Table FINANCE1	31 December 2013
	— Table FINANCE2	31 December 2013
Spain	— Classroom teachers in ISCED level 3 general and all vocational programmes (columns 7, 8)	31 December 2013
	— Total payments for educational goods and services other than to educational institutions in table FINANCE1, row H18	31 December 2013
	— Payments to educational institutions in table FINANCE1, rows E1, E4	31 December 2013
	— Financial aid to students in table FINANCE1, rows E10, E11	31 December 2013
France	Enrolments and entrants data shall be transmitted annually to the Commission (Eurostat) by 31 October in year $t + 2$ (tables ENRL1, ENRL1_Adult, ENRL1a, ENRL5, ENRL8, ENTR2, ENTR3)	31 December 2013
	— Number of students enrolled full-time (rows A109 to A216) in table ENRL1	31 December 2013
	— Number of students in adult education programmes enrolled full-time (rows A73 to A144) in table ENRL1_Adult	31 December 2013
	— Number of students in full-time, part-time and full-time equivalents (rows A5 to A13, B2, B3, B4, C2, C3, C4) in table ENRL1a	31 December 2013
	— Number of new entrants in ISCED level 5B (column 4) in table ENTR2	31 December 2013
	— Number of new entrants in ISCED level 5B (column 3) in table ENTR3	31 December 2013
	— Number of first-time graduates for ISCED levels 3 and 4 (columns 9, 10, 11, 19) in table GRAD2	31 December 2013
	— Number of graduates at ISCED level 4 by age and sex (rows A2 to A27, A30 to A55, A58 to A83) in table GRAD2	31 December 2013
	— Number of graduates at ISCED levels 5 and 6 (all rows and columns) in table GRAD4	31 December 2013

Member State	Tables and breakdowns	End of derogation
Italy	Graduates/graduations data at ISCED level 5, 2nd degrees and ISCED level 6 for table GRAD5 shall be transmitted annually to the Commission (Eurostat) by 1 March in year $t + 3$ (columns 8, 12, 13 and 14 in table GRAD5)	31 December 2013
	— Number of new entrants by age at ISCED levels 4, 5B and 6 (columns 2, 3, 4) in table ENTR2	31 December 2013
	— Number of graduations by field of education at ISCED levels 3 and 4 (columns 1 and 2) in table GRAD5	31 December 2013
	— Classroom teachers and academic staff in private institutions (rows A50, A51, A52, A53) in table PERS1	31 December 2013
Hungary	— Expenditure of other private entities to educational institutions in table FINANCE1 rows E1, E4, E5, E20	31 December 2012
	— Expenditure in all private institutions in table FINANCE2 rows W (W6, W13, W14, W15, W20, W21, W22, W30, W40)	31 December 2013
Malta	— Number of students enrolled in private institutions for tables ENRL1, ENRL1a (rows C1-C4), ENRL5, ENRL8, REGIO1, ENRLNG1 and ENRLNG2	31 December 2013
	— Table ENRL1_Adult	31 December 2013
	— Number of new entrants in private educational institutions for tables ENTR2, ENTR3	31 December 2013
	— Number of students enrolled in private educational institutions (rows C1, C2, C3) in table PERS_ENRL2	31 December 2013
	— Number of classroom teachers and academic personnel in private institutions (rows A50, A51, A52, A53) in table PERS1	31 December 2013
	— Expenditure variables in table FINANCE1 rows C10-C14, F1-F20, G5b, G10-G14, H1-H5b, H15-H20, E10-E12, N5b and columns 7, 8, 10, 12, 13, 14.	31 December 2013
	— Expenditure variables in table FINANCE2 rows A30, X30 and columns 7, 8, 10, 12, 13, 14	31 December 2013
Poland	— Number of students by country of citizenship at ISCED level 5B (row 3) in table ENRL8	31 December 2013
	— Number of new entrants by sex and age at ISCED level 6 (column 5) in table ENTR2	31 December 2013
	— Number of new entrants by field of education at ISCED level 6 (column 5) in table ENTR3	31 December 2013
	— Number of first-time graduates at ISCED level 4 (row 19) in table GRAD2	31 December 2013
	— Central, regional and local government expenditure (rows C1, C2, C3, C4, R1, R2, R3, R4, L1, L2, L3, L4) in table FINANCE1	31 December 2013
	— Funds from international agencies and other foreign sources (rows F5, F9, F20) in table FINANCE1	31 December 2013

Member State	Tables and breakdowns	End of derogation
	— Expenditure of households to educational institutions (rows H1, H4) in table FINANCE1	31 December 2013
	— Expenditure of other private entities to educational institutions in table FINANCE1 rows E1, E4, E5, E10, E11, E12, E20	31 December 2013
	— Private expenditure to educational institutions (rows P1, P4) in table FINANCE1	31 December 2013
	— Expenditure in all private institutions in table FINANCE2 rows W (W6, W13, W14, W15, W20, W21, W22, W30, W40)	31 December 2013
Portugal	— Number of students enrolled full-time (rows A109-A216) in table ENRL1	31 December 2013
	— Number of students enrolled full-time (rows A73-A144) in table ENRL1_Adult	31 December 2013
	— Full-time equivalent conversion factor (row S7), number of students in school and work-based programmes in ISCED levels 3 and 4 (rows A4, A8, A11, A13); students enrolled full-time (rows A5-A13, B2-B4, C2-C4) in table ENRL1a	31 December 2013
	— Number of post-doctorate degrees (column 18) in GRAD4	31 December 2013
	— Number of graduations by field of education in ISCED levels 3 and 4 (columns 1 and 2), number of post-doctorate degrees in ISCED level 6 (column 14) in table GRAD5	31 December 2013
	— Number of students in part-time/full-time/full-time equivalent (rows A1-C9); school/work-based in ISCED levels 3 and 4 (columns 9, 10, 14, 15) in table PERS_ENRL2	31 December 2013
	— Number of classroom teachers and academic staff in part-time/full-time/full-time equivalent (rows A37-A61 except columns 16), breakdowns ISCED levels 5B, 5A/6 (columns 17-18) in table PERS1	31 December 2013
	— Breakdowns ISCED levels 4, 5B, 5A/6 (columns 10-15) in table FINANCE1	31 December 2013
	— Intergovernmental transfers for education (row R8); transfers and payments for education to private entities (rows R10-R14); total regional government expenditure for education (row R20) in table FINANCE1	31 December 2013
	— Direct expenditure for educational institutions (rows L1-L5a); transfers and payments for education to private entities (rows L10-L14); total local government expenditure for education (row L20) in table FINANCE1	31 December 2013
	— Expenditure of all levels of government combined (rows G1-G14) in table FINANCE1	31 December 2013
	— Funds from international agencies and other foreign sources (rows F2-F3, F5-F5c, F9, F20) in table FINANCE1	31 December 2013
	— Expenditure of households (rows H1, H4, H5) in table FINANCE1	31 December 2013
	— Expenditure of other private entities (rows E1, E4-E5, E5c, E10-E12, E20) in table FINANCE1	31 December 2013
	— Total private expenditure (rows P1-P20) in table FINANCE1	31 December 2013

Member State	Tables and breakdowns	End of derogation
	— Combined public, private and international expenditure (rows N1-N20) in table FINANCE1	31 December 2013
	— Breakdowns ISCED levels 4, 5B, 5A/6 (columns 10-15) in table FINANCE2	31 December 2013
	— Expenditure in all private institutions (rows W6, W13-W15, W20-W22, W30, W40) in table FINANCE2	31 December 2013
	— Number of students in part-time/full-time/full-time equivalents (rows A1-C3) in table FINANCE_ENRL2	31 December 2013
	— Table ENRLNG1	31 December 2013
	— Table ENRLNG2	31 December 2013
Finland	Personnel data shall be transmitted annually to the Commission (Eurostat) by 31 December in year $t + 2$ (tables PERS_ENRL2 and PERS1)	31 December 2013
	— Number of students by modern foreign languages studied at ISCED level 3 (column 3) in table ENRLNG1	31 December 2013
United Kingdom	— Number of graduates at ISCED level 4 (columns 12, 13, 14, 15, 16, 17, 18, 19) in table GRAD2	31 December 2013
	— Number of classroom teachers at ISCED level 4 (columns 11, 12, 13, 14, 15) in table PERS1	31 December 2013
	— Number of academic staff at ISCED levels 5B and, 5A and 6 (columns 17 and 18) in table PERS1	31 December 2013
	— Number of students by modern foreign language studied at ISCED levels 1 and 2 (columns 1 and 2) in table ENRLNG1	31 December 2013
	— Number of students by number of modern foreign languages studied at ISCED levels 1 and 2 (columns 1, 2, 3, 4, 5, 6, 7, 8) in table ENRLNG2	31 December 2013

**Derogations from Regulation (EC) No 452/2008, as implemented by the Commission, concerning Domain 2:
Participation of adults in lifelong learning**

In the Republic of Finland, the data collection for the first survey on the participation and non-participation of adults in lifelong learning (Adult Education Survey) shall take place between 1 January 2012 and 31 December 2012. The reference period for which the data on participation in lifelong learning activities are collected shall be the 12 months prior to the data collection period.

DECISIONS

- ★ **Council Decision 2010/784/CFSP of 17 December 2010 on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)** 60
- 2010/785/EU:
- ★ **Commission Decision of 17 December 2010 recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of pyriofenone in Annex I to Council Directive 91/414/EEC** (*notified under document C(2010) 9076*) ⁽¹⁾ 64
- 2010/786/EU:
- ★ **Commission Decision of 17 December 2010 granting derogations for implementing Regulation (EC) No 452/2008 of the European Parliament and of the Council concerning the production and development of statistics on education and lifelong learning with regard to Belgium, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Hungary, Malta, Poland, Portugal, Finland and the United Kingdom** (*notified under document C(2010) 9126*) 66



⁽¹⁾ Text with EEA relevance

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